



COMPLIANCE & ENFORCEMENT HANDBOOK

**Prepared
by**

**Arizona Department of Environmental Quality
Office of Special Counsel**

Version - 7/1/02



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY POLICY MEMORANDUM

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TO: All ADEQ Employees

FROM: Jacqueline E. Schafer, Director

A handwritten signature in cursive script, likely belonging to Jacqueline E. Schafer, the Director.

SUBJECT: ADEQ Compliance and Enforcement Policy (Compliance & Enforcement Handbook)

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

PURPOSE: To promote appropriate, consistent, and timely enforcement of Arizona's environmental statutes and rules in a manner that is transparent to all who are affected, including the regulated community.

POLICY: Attached is the Compliance and Enforcement Handbook. This handbook represents the compliance and enforcement policy of ADEQ. The Handbook affirms ADEQ's strong commitment to ensuring compliance and responding appropriately, consistently and timely to instances of non-compliance. The Handbook does not supercede, but incorporates Policy 0010.003 (Compliance and Enforcement Policy).

PERSONS AFFECTED: ADEQ staff involved in the compliance and enforcement activities of the agency.

PROCEDURES: The Compliance and Enforcement Handbook contains the policy and procedures ADEQ will normally follow when enforcing Arizona's environmental statutes and rules.

RESPONSIBILITY: It is the responsibility of all ADEQ compliance and enforcement staff to follow the policy and procedures in the Compliance and Enforcement Handbook. It is the responsibility of ADEQ compliance and enforcement managers to monitor their staff's adherence to the policy and procedures described in the Handbook. It is the responsibility of the ADEQ Compliance and Enforcement Coordinator, in conjunction with the Compliance and Enforcement Committee, to monitor agency-wide adherence to the Handbook and to recommend revisions to the Handbook.

REVIEW SCHEDULE: The Compliance and Enforcement Handbook will be reviewed on a quarterly basis and revised as necessary.

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CHAPTER 6: FORMAL ENFORCEMENT TOOLS

ADEQ will rarely initiate enforcement with a formal enforcement action. As a result, the formal enforcement tools described below are reserved for those violations that are particularly egregious, or for those circumstances where the responsible party is unwilling or unable to resolve a violation in a timely manner after receiving an informal compliance assurance response from ADEQ. Although most ADEQ programs share a common set of formal enforcement tools, there are some minor differences. For example, some programs have the ability to assess civil administrative penalties or issue administrative orders requiring compliance, while others do not. This chapter describes the various formal enforcement tools available to ADEQ along with how and when they should be used.

Appendix: A table of Arizona's administrative, civil, and criminal environmental enforcement authorities can be found as Appendix M2.

CONSENT ORDER

A Consent Order, otherwise known as a compliance order (or abatement order) on consent, is a bilateral administrative order issued with the complete written agreement of the responsible party and ADEQ. A Consent Order is ADEQ's preferred formal enforcement tool for requiring compliance because it benefits both the responsible party and ADEQ. The responsible party has the opportunity to provide input into the terms of the order while ADEQ gets the responsible party's waiver of its right to appeal the order. To establish reasonable expectations, ADEQ has drafted guidelines that govern the process and time frames for negotiating Consent Orders (the Consent Order Negotiation Guidelines).

ADEQ will attempt to negotiate a bilateral Consent Order when **both** of the following conditions are met:

- The responsible party has failed to meet a deadline within an NOV, or the violation cannot be resolved within 120 calendar days; and
- The circumstances of the violation do not warrant the seeking of civil penalties (i.e., the violations do not constitute Penalty Non-Compliance (PNC)).¹

Boilerplate: The boilerplate Consent Order can be found as Appendix B10.

Boilerplate: The boilerplate Consent Order with Civil Administrative Penalty (drinking water violations only) can be found as Appendix B35.

Boilerplate: The boilerplate Termination of Consent Order can be found as Appendix B25.

Guidance: The Consent Order Negotiation Guidelines can be found as Appendix G1.

¹ADEQ may choose to negotiate a Consent Order for PNC violations if it is likely that the time needed to resolve the penalty portion of the case will slow down the implementation of a remedy necessary to reduce the impact of the violation. ADEQ will also attempt to negotiate a Consent Order with Civil Administrative Penalty for the assessment of civil administrative penalties for drinking water violations.

COMPLIANCE ORDER/ABATEMENT ORDER

A Compliance Order (or Abatement Order) is an administrative order issued unilaterally by ADEQ without input from the responsible party. ADEQ will issue a Compliance Order only when attempts to resolve the violation through informal compliance assurance and negotiation of a Consent Order are unsuccessful or unwarranted due to the time sensitive nature of the violation. Unlike under a Consent Order, the responsible party does not have an opportunity to comment on the corrective actions or the time frames for completing the corrective actions. To challenge a compliance order, the responsible party must submit a request to ADEQ for an administrative appeal after receiving the Order. If an appeal is not requested, a Compliance Order becomes effective and enforceable in superior court 30 days after it is received by the responsible party. If a hearing is requested it will be held before Arizona's Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original Order. Once final, the Order becomes effective and enforceable in civil court. Except for Orders issued for environmental nuisances, drinking water violations, recycling violations and pollution prevention violations, a violation of an effective Order is subject to civil penalties.

ADEQ will issue a unilateral Compliance Order when **all** of the following conditions are met:

- The responsible party has failed to meet a deadline within an NOV
- The circumstances of the violation do not warrant seeking civil penalties (i.e., the violations do not constitute Penalty Non-Compliance (PNC)).²
- ADEQ has been unsuccessful in its attempt to negotiate a Consent Order (or it is otherwise unlikely that the Consent Order will be finalized within 45 days of the initiation of negotiations)

Boilerplate: The boilerplate Compliance/Abatement Order can be found as Appendix B8.

Boilerplate: The boilerplate Termination of Compliance/Abatement Order can be found as Appendix B25.

Policy: The Administrative Hearing Procedures for Delegated Programs Policy can be found as Appendix P1.

COMPLIANCE ORDER WITH CIVIL ADMINISTRATIVE PENALTY (Drinking Water)

Pursuant to [A.R.S. § 49-354\(C\)](#), ADEQ may issue a compliance order imposing a civil administrative penalty for drinking water violations. ADEQ will normally attempt to negotiate a Consent Order with administrative penalties using the same procedures described in the Consent Order Negotiation Guidelines. The only major difference being that the Consent Order will include an administrative penalty for those violations constituting Penalty Non-Compliance. To challenge a unilateral administrative penalty order, the responsible party must submit a request to ADEQ for an administrative appeal after receiving the Order. If an appeal is not requested, the administrative penalty order becomes effective and enforceable in superior court 30 days after it

²ADEQ may issue a Compliance Order with Civil Administrative Penalty for the assessment of civil administrative penalties associated with drinking water violations.

is received by the responsible party. If a hearing is requested it will be held before Arizona's Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original Order. Once final, the Order becomes effective and enforceable in civil court.

The Arizona Revised Statutes not only establish the maximum civil administrative penalties that may be imposed, but also prescribe the factors that must be used in determining the amount of the penalty. The process of establishing the penalty is outlined in Chapter 8 (Penalty Determinations).

Boilerplate: The boilerplate Compliance Order with Civil Administrative Penalty can be found as Appendix B2.

Guidance: The Consent Order Negotiation Guidelines can be found as Appendix G1.

ORDER ASSESSING A CIVIL PENALTY (Hazardous Waste)

Pursuant to [A.R.S. § 49-923\(B\)](#), ADEQ may issue an administrative order assessing a civil penalty of not more than \$1,000 per day for each day of continued non-compliance with a Compliance Order (or Consent Order) issued pursuant to [A.R.S. § 49-923\(A\)](#). ADEQ will assess a civil penalty for non-compliance with a Compliance Order (or Consent Order) issued pursuant to [A.R.S. § 49-923\(A\)](#) and for violations of the Arizona Hazardous Waste Management Act based upon the following:

If there is a prior agreement with the responsible party (i.e., a Consent Order with stipulated penalties):

The penalties to be assessed for non-compliance with a Compliance Order issued with the consent of the responsible party (a.k.a., a Consent Order) will be equal to the stipulated penalty provisions within the Consent Order. Because these penalties have already been negotiated and agreed upon by the responsible party, ADEQ will not engage in further negotiations before issuing an administrative Order Assessing a Civil Penalty.

If there is no prior agreement with the responsible party (i.e., ADEQ has issued a compliance order or entered into a Consent Order without stipulated penalties):

ADEQ will issue an Order Assessing a Civil Penalty for an amount based upon the seriousness of the violation, good faith efforts, economic benefit, and ability to pay.³ To challenge an Order Assessing a Civil Penalty, the responsible party must submit a request to ADEQ for an administrative appeal after receiving the Order. If an appeal is not requested, the Order Assessing a Civil Penalty becomes effective and enforceable in superior court 30 days after it is received by the responsible party. If a hearing is requested it will be held before Arizona's Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended

³See Chapter 8 (Penalty Determinations) for more detailed guidance on determining an appropriate civil administrative penalty.

decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original Order. Once final, the Order becomes effective and enforceable in civil court.

Boilerplate: The boilerplate Order Assessing a Civil Penalty can be found as Appendix B6.

Guidance: The process for determining a hazardous waste administrative civil penalty can be found as Appendix G2.

LICENSE SUSPENSION/REVOCATION

In general, ADEQ will suspend or revoke a license due to non-compliance only after all other attempts to compel compliance have failed.⁴ One exception to this general rule applies to those programs without administrative order authority.⁵ For those programs that do not have administrative order authority, ADEQ may suspend or revoke a license if violation of the license is not resolved through the issuance of a Notice of Violation. ADEQ will normally attempt to negotiate a permit revocation/suspension with the consent of the responsible party using the same procedures described in the Consent Order Negotiation Guidelines. If these attempts are unsuccessful, or unwarranted given the circumstances, ADEQ will issue a suspension or revocation unilaterally. The length of the suspension will be determined using the factors described in Chapter 8 (Penalty Determinations) of this handbook.

To challenge a license suspension or revocation, the responsible party must submit a request to ADEQ for an administrative appeal after receiving the suspension or revocation. If an appeal is not requested, the suspension or revocation becomes effective and enforceable in superior court 30 days after it is received by the responsible party. If a hearing is requested it will be held before Arizona's Office of Administrative Hearings (OAH). Following the hearing, ADEQ will review the recommended decision from the OAH administrative law judge and issue a final decision to validate, invalidate or modify the original suspension or revocation. Once final, the suspension or revocation becomes effective and enforceable in civil court.

Boilerplate: The boilerplate Suspension of Licence can be found as Appendix B13.

Boilerplate: The boilerplate Revocation of Licence can be found as Appendix B12.

CIVIL REFERRAL

While most of the administrative enforcement tools described above do not necessarily require a referral to the Attorney General's Office prior to taking action, civil enforcement does. Pursuant to most of Arizona's environmental enforcement provisions, the Arizona Attorney General's

⁴Pursuant to [A.R.S. § 41-1001\(10\)](#), "License" includes the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.

⁵See Appendix M2 for a table of ADEQ enforcement authorities which includes a list of those programs with administrative order authority.

Office must file a civil action seeking penalties when requested by ADEQ.⁶ The process of making such a request is described below. Because of the time and effort necessary to make a productive civil referral, ADEQ will exercise a great deal of discretion when making a civil referral. ADEQ will make a referral to the Attorney General's Office for the filing of a civil complaint (and possibly a concurrent settlement agreement) under **any** of the following circumstances:

- The violation is PNC
- The responsible party has violated a Compliance Order
- The responsible party has violated a Consent Order
- The violation poses an immediate and substantial threat to human health or the environment.

There are several types of civil referrals that can be made by ADEQ, each of which is described below. Independent of the type of referral, ADEQ must formally request the assignment of an Assistant Attorney General via a formal memorandum and a Case Development Memorandum (CDM) which describes the allegations in detail. Although an attorney request memorandum and CDM must be drafted for every civil referral, the level of detail and timing of the referral will be based upon the type of referral being made.

Temporary Restraining Order/Preliminary Injunction

ADEQ will make a referral to the Attorney General's office for seeking a temporary restraining order or preliminary injunction only under the following circumstances:

- The violation is creating an immediate and substantial risk to human health and/or the environment; **and**
- It is unlikely that the violation can be resolved in a timely manner through an NOV or Administrative Order.

A referral for the filing of a temporary restraining order or preliminary injunction must be made by a Request for Assignment of an Assistant Attorney General memorandum. A Case Development Memorandum For Filing a Civil Complaint does not have to accompany the request, but must be completed within 60 calendar days of the request.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Permanent Injunction/Civil Penalty

Because of ADEQ's strong preference for negotiated settlements, ADEQ will rarely seek the imposition of a permanent injunction or civil penalty without first attempting to negotiate a civil settlement agreement with the responsible party. ADEQ will make referrals to the Attorney

⁶See A.R.S. §§ [49-262\(C\)](#), [49-354\(G\)](#), [49-462](#), [49-768](#), [49-783\(B\)](#), [49-811\(B\)](#), [49-861\(C\)](#), and [49-924\(B\)](#).

General's Office, though, for those violations that constitute Penalty Non-Compliance (PNC).⁷ The decision to make a referral to the Attorney General's Office for the filing of a civil complaint, without also attempting to file a settlement agreement, will be made on a case-by-case basis.

A referral for the filing of a civil complaint seeking the imposition of a permanent injunction or civil penalty will be made by a Request for Assignment of an Assistant Attorney General memorandum accompanied by a Case Development Memorandum for Filing a Civil Complaint.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Consent Judgment/Consent Decree

A Consent Judgment (or Consent Decree) is a negotiated settlement of a civil complaint. It is ADEQ's preferred method of resolving Penalty Non-Compliance and involves the filing of both a civil complaint and a signed, written settlement agreement between the parties. Once approved by the court, a Consent Judgment/Decree becomes effective and enforceable in court.

A referral to the Attorney General's Office for the negotiation of a permanent injunction or civil penalty will be made through the creation of a Request for Assignment of an Assistant Attorney General for Negotiating a Civil Settlement that will serve both as the Request for Assignment of an Assistant Attorney General and the Case Development Memorandum. If attempts to negotiate a civil settlement are unsuccessful, a Case Development Memorandum for Filing a Civil Complaint must be approved and sent to the Attorney General's Office.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General for Negotiating a Civil Settlement can be found as Appendix B24.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

CRIMINAL REFERRAL

Although the State's authority for prosecution of environmental crimes lies exclusively with the Arizona Attorney General's Office, ADEQ still plays an important role. ADEQ regularly gathers evidence used in the identification and prosecution of environmental crimes. As a general rule, ADEQ will refer any and all potential criminal acts to the Attorney General's Office for review. ADEQ plays no part, though, in the decision as to whether or not a referral will be pursued. The following acts constitute a crime, and thus will be referred to the Attorney General's Office via a Criminal Information Transmittal Memorandum:

- Performance of a prohibited act with criminal negligence

⁷See Chapter 4 (Violation Categories) for guidance on determining Penalty Non-Compliance.

- Knowing performance of a prohibited act
- Reckless performance of a prohibited act
- Knowing or reckless manifestation of an extreme indifference for human life in performance of a prohibited act
- Fraud against ADEQ

If there is any doubt about whether an environmental crime has been committed, a referral should be made.

Boilerplate: The boilerplate Criminal Information Transmittal Memorandum can be found as Appendix B11.

Policy: The Criminal Information Transmittal Policy can be found as Appendix P6.

BOARD OF TECHNICAL REGISTRATION REFERRAL

Because ADEQ has limited resources, it places a great deal of trust in the professional service community to promote and facilitate compliance with environmental requirements. As a result, if ADEQ has reason to believe that a person has violated a Board of Technical Registration (BTR) requirement when dealing with ADEQ (i.e., when submitting an engineering or geological plan, report, or license application) ADEQ may refer the matter to the BTR.⁸

As a general rule, ADEQ will only refer registrants to the BTR for clear breaches of professional conduct or practice which includes any of the following:

- Submittal of false or misleading certifications
- Attempting to defraud the State
- Attempting to commit bribery
- Clearly practicing without a registration

Unless compelling circumstances exist, ADEQ will generally not refer substandard or poor quality work to the BTR. Furthermore, ADEQ will refrain from making a referral merely for disputes arising out of differences in professional judgement between the applicant (registrant) and ADEQ. Under these circumstances, ADEQ's preferred course of action will be to use its authorities to deny applications or withhold the approvals sought.

⁸The BTR requirements can be found in [Title 32, Chapter 1](#), of the A.R.S., and [Title 4, Chapter 30](#) of the A.A.C.

CHAPTER 7: ENFORCEMENT ESCALATION PROCEDURES

Except for violations that do not constitute SNC identified and corrected during the course of an inspection,¹ ADEQ will respond to every identified violation. Under normal circumstances, ADEQ will initially address non-compliance through the use of an informal compliance assurance tool. As a result, ADEQ will either provide an opportunity to correct (NOC) or issue a Notice of Violation (NOV) for each violation identified. There is no requirement, though, that ADEQ first use an informal compliance assurance tool before initiating formal enforcement. (i.e., before issuing an administrative order, or seeking injunctive relief and civil penalties through a referral to the Attorney General). Furthermore, even if a violation is resolved under an NOV, ADEQ may pursue civil penalties for those violations that constitute Penalty Non-Compliance (PNC). Although ADEQ has adopted formal policies (listed below) for dealing with several specific types of violations, the procedures described in this chapter generally apply to all enforcement actions taken by the agency.

Although intended to provide consistency, these procedures are not intended to limit the enforcement discretion of ADEQ. Case-specific deviations from these procedures are permitted with prior approval from the appropriate ADEQ division director. Failure to follow these procedures will not prevent ADEQ from bringing an enforcement action that is otherwise appropriate to the violation.

- Policy: The Enforcement of Annual Emissions Inventory Questionnaire Policy can be found as Appendix P14.
- Policy: The Water Quality Compliance Enforcement Escalation Policy can be found as Appendix P15.
- Policy: The Reporting Requirements for Public Water Systems Policy can be found as Appendix P17.

The following steps will be taken once a violation has been identified, regardless of how the violation has been identified and unless a more specific policy applies:

STEP 1: Classify the Violation as Major or Minor

Classification of the violation as major or minor will be based upon the following:

- For violations of statutes, rules, or permit conditions based upon statutes or rules, classification of the violation as major or minor will be based upon the appropriate Appendix to this handbook.²

¹ ADEQ will note in the inspection report and in the ICE database those violations that do not constitute SNC discovered and corrected during the course of an inspection.

² If a violation not listed in an appendix is discovered during the course of an inspection or investigation, staff must provide the appropriate ADEQ unit manager with a recommended category for listing. The appropriate unit manager, after consultation with the appropriate section manager and ADEQ's Compliance and Enforcement

- For violations of permit conditions not listed in an appendix, classification will be based upon the appropriate notation on the inspection checklist for the facility.³

Regardless of the classification as major or minor, potential criminal acts should always be referred to the Attorney General's Office as soon as possible.

Appendix:

Program	Minor Violation Appendix	Major Violation Appendix
Air Quality	L2	L1
Asbestos NESHAP	--	L3
Drinking Water	L6	L5
Drinking Water Monitoring & Reporting	--	L4
Hazardous Waste	L8	L7
LUST Enforcement	--	L21
Reuse of Reclaimed Water	L10	L9
Solid Waste	L12	L11
UST Inspections & Compliance	L14	L13
Vehicle Emission Inspections	L16	L15
Water Pollution Control	L18	L17
Water Quality Permit	L19	L20

ICE: For all recommended cases (i.e., instances where violations have been discovered during the course of an inspection), the appropriate violations must be entered in the Case Screen.

Coordinator, will make the final designation of the proper category for a violation not already listed in an appendix to this handbook. The same process applies to suggested changes in a category for those violations already listed in an appendix to this handbook.

³If there has not been a previous determination as to whether violation of the condition is a major violation, staff must provide the appropriate compliance or enforcement unit manager and the appropriate permit or plan review manager with a recommendation as to whether violation of the condition poses a reasonable probability of material harm to any person, the public health, safety, welfare or the environment or the inability to perform such an assessment as a result of the violation. The appropriate unit manager(s), after consultation with the appropriate section manager(s) and ADEQ Compliance and Enforcement Coordinator, will make the final determination of the risk associated with violation of the condition. Once the final determination has been made, an appropriate notation must be made on the facility's inspection checklist. The same process applies to suggested changes to inspection checklist notations.

STEP 2: Determine Whether the Violation is Significant Non-Compliance (SNC)

A violation is SNC, if it is **any** of the following:

- A major violation
- A minor violation committed intentionally
- A minor violation that has continued beyond a deadline set within a Notice of Opportunity to Correct (i.e., the responsible party failed to document compliance as noted in the Notice of Opportunity to Correct)
- A violation previously noted or addressed in an NOC or NOV within the past two years;
- A violation previously addressed in an administrative order or civil complaint within the past five years
- A violation of a Compliance Order, Consent Order, Consent Judgment or Consent Decree

STEP 3: Issue the Appropriate Informal Compliance Assurance Notice

The ICE database has been developed to automatically generate the appropriate informal compliance assurance notice based upon the following:

If the violation is SNC (regardless of whether the violation is corrected before ADEQ leaves the site):

- A Notice of Violation (NOV) will be sent to the responsible party with a cover letter explaining the NOV.
- Both the cover letter and NOV will be sent certified mail, return receipt requested.
- If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, a copy of the NOV must be sent to the appropriate county official(s) and to any affected environmental justice community.⁴

Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

Boilerplate: The boilerplate Notice of Violation can be found as Appendix B18.

Boilerplate: The boilerplate Notice of Violation alleging water quality permit self-monitoring violations can be found as Appendix B16.

Boilerplate: The boilerplate Notice of Violation alleging failure to submit a self-monitoring report form for a water quality permit can be found as Appendix B34.

- ICE:
- 1) *Case Recommended* must be entered as an action in the Inspections Screen and the alleged violations, description of facts and compliance documentation requirements must be entered in the Case Screen.
 - 2) Once sent, *NOV Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOV Received by RP* must be entered as an action in the Case Screen.

⁴A list of appropriate county officials and environmental justice communities will be maintained by the Office of Special Counsel.

If both violations constituting SNC and violations not constituting SNC violations are discovered (regardless of whether the violation is corrected before ADEQ leaves the site):

- A Notice of Violation (NOV) will be sent to the responsible party with a cover letter explaining the NOV.
- Both the cover letter and NOV will be sent certified mail, return receipt requested.
- If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, a copy of the NOV must be sent to the appropriate county official(s) and if deemed appropriate, to any affected environmental justice community.

Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

Boilerplate: The boilerplate Notice of Violation alleging both violations constituting SNC and violations not constituting SNC (a.k.a. “other” violations) can be found as Appendix B17.

Policy: The Notification Policy For Local Governmental Agencies can be found as Appendix P11.

- ICE:
- 1) *Case Recommended* must be entered as an action in the Inspections Screen and the alleged violations, description of facts and compliance documentation requirements must be entered in the Case Screen.
 - 2) Once sent, *NOV Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOV Received by RP* must be entered as an action in the Case Screen.

If the violation is not SNC and was not corrected prior to ADEQ leaving the site:

ADEQ will provide an opportunity to correct the deficiencies through the issuance of a letter (an NOC generated automatically by the ICE database).⁵ The NOC will be sent certified mail, return receipt requested.

Boilerplate: The boilerplate Notice of Opportunity to Correct Deficiencies can be found as Appendix B15.

- ICE:
- 1) *Case Recommended* must be entered as an action in the Inspections Screen and the alleged violations, description of facts and compliance documentation requirements must be entered in the Case Screen.
 - 2) Once sent, *NOC Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOC Received by RP* must be entered as an action in the Case Screen.

⁵If the violation constitutes a caution level exceedance for a water permit, ADEQ will issue a caution letter.

STEP 4: Determine Whether the Violation is PNC

Although ADEQ will consider all of the following in determining whether a violation is PNC, a violation of statute, rule, administrative order, or permit meeting any of the following criteria may constitute PNC:

- The violation was intended to result in, or actually resulted in, significant cost savings or profits to the responsible party
- The responsible party engaged in willful or negligent conduct leading to the violation. (e.g., the lack of provisions for detecting or preventing the violation)
- The responsible party previously received a NOV or administrative order for the same violation within the past two years
- ADEQ previously filed a civil complaint against the responsible party.
- The violation resulted in actual harm, or substantial risk of harm, to human health or the environment as determined using the following factors:
 - ▶ An actual release
 - ▶ Violation of a water quality standard⁶
 - ▶ Exceedance of a soil remediation standard⁷
 - ▶ Severe mismanagement of a pollutant
 - ▶ The amount of the pollutant involved
 - ▶ The toxicity of the pollutant involved
 - ▶ The proximity of biological/human receptors or sensitive environmental media such as a drinking water supply, populated area or surface water
 - ▶ Failure to notify persons potentially affected by the violation as required by law

STEP 5: Determine the Appropriate Follow-Up Enforcement Activity

The appropriate follow-up enforcement activity to be taken by ADEQ will be based upon the nature of the violation and the responsible party's response to ADEQ's identification of the violation.

If the responsible party has been issued an NOV (for a violation that is not PNC) and has adequately documented compliance

- ADEQ will issue a letter to the facility closing the NOV and stating that ADEQ will take no further action
- ADEQ will administratively close the enforcement case opened by the issuance of the NOV
- ADEQ will cease sending agency action update letters

Boilerplate: The boilerplate NOV Closure Letter (with no further action) can be found as Appendix B19.

⁶ A.A.C. R18-11-101 *et seq.*

⁷ A.A.C. R18-7-101 *et seq.*

- ICE:
- 1) Upon receipt of the compliance documentation, *NOV Response Received from RP* must be entered as an action and the date achieved must be entered for each compliance documentation requirement in the Case Screen.
 - 2) Once the closure letter has been sent, *NOV Closure Letter Sent to RP (case closure)* must be entered as actions in the Case Screen.

If the responsible party has been issued an NOV (for a violation that is PNC) and has adequately documented compliance

- ADEQ will issue a letter to the facility closing the NOV, but reserving the possibility of further action.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency action update letters until either the filing of a civil complaint or sending a letter stating that ADEQ will take no further action.
- When negotiating a settlement penalty with the responsible party, ADEQ will take the timeliness of the responsible party's corrective action into consideration (in addition to the other factors described in Chapter 8 (Penalty Determinations)).

Boilerplate: The boilerplate NOV Closure Letter (reserving further action) can be found as Appendix B20.

- ICE:
- 1) Upon receipt of the compliance documentation, *NOV Response Received from RP* must be entered as an action and the date achieved must be entered for each compliance documentation requirement in the Case Screen.
 - 2) Once the closure letter has been sent, *NOV Closure Letter Sent to RP (no case closure)* must be entered as an action in the Case Screen.

If the responsible party has been issued an NOV (for a violation that is not PNC) and has not adequately documented compliance within the deadlines set in the NOV:

- Immediately upon discovery of a missed NOV deadline, an ADEQ compliance officer must contact the responsible party via telephone to discuss the responsible party's options for demonstrating compliance. THIS CONVERSATION MUST BE DOCUMENTED IN THE FACILITY FILE AND THE ICE DATABASE. The ADEQ compliance officer will explain that a Consent Order must be signed within 45 days to avoid the issuance of a unilateral Compliance Order by ADEQ. The employee should also point out that if the alleged violation is resolved within the next 45 days, there will be no need for a Consent Order or Compliance Order. The compliance officer must make it clear, though, that it is at the responsible party's peril to forgo negotiation of a Consent Order in favor of attempting to achieve compliance within 45 days, because at the end of the 45 day period one of the following three things must have occurred:
 - 1) ADEQ must have issued a NOV closure letter (i.e., the alleged violation has been satisfactorily resolved);
 - 2) ADEQ must have entered into a Consent Order with the responsible party; or

- 3) ADEQ must have issued a Compliance Order requiring compliance.
- After documenting the telephone conversation ADEQ will send an NOV Reminder Letter to the responsible party certified mail, return receipt requested, with a proposed meeting agenda, a copy of the Consent Order Negotiation Guidelines and the boilerplate Consent Order attached.
 - If the violation was discovered during the course of an inspection, ADEQ will continue to send agency update letters until the entry of a Consent Order or issuance of a Compliance Order.
 - ADEQ will then proceed to either negotiate a Consent Order in accordance with the Consent Order Negotiation Guidelines, or issue a Compliance (or Abatement) Order.
 - If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, a copy of the Consent Order or Compliance Order must be sent to the appropriate county official(s) and if deemed appropriate by the appropriate section manager, to any affected environmental justice community.
 - Press materials may be released with the issuance of Consent Order or Compliance (or Abatement) Order if deemed appropriate by the appropriate division director.

Boilerplate: The boilerplate NOV Reminder Letter can be found as Appendix B22.

Policy: The Notification Policy For Local Governmental Agencies can be found as Appendix P11.

Policy: The Compliance and Enforcement Press Policy can be found as Appendix P16.

ICE:

- 1) Immediately after a missed NOV deadline, *NOV Deadline Missed by RP* must be entered as an action in the Case Screen.
- 2) After the telephone conversation with the RP, *NOV Follow-up Phone Call w/RP* must be entered as an action in the Case Screen.
- 3) After sending the reminder letter, *NOV Reminder Letter Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOV Reminder Letter Received by RP* must be entered as an action in the Case Screen.

If the responsible party has been issued an NOV (for a violation that is PNC) and has not adequately documented compliance within the deadlines set in the NOV:

- If the violation *is not* causing an immediate and significant threat to public health or the environment, ADEQ will refer the case to the Attorney General's Office via a Case Development Memorandum for Negotiating a Civil Settlement .
- If the violation *is* causing an immediate and significant threat to public health or the environment, ADEQ will request a temporary restraining order or preliminary injunction via a Request for Assignment of Assistant Attorney General to be followed by a Case Development Memorandum for Filing of a Civil Complaint.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency update letters until the filing of a civil complaint.
- If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, notice of the filing of a civil complaint must be sent to the appropriate

county official(s) and if deemed appropriate, to any affected environmental justice community

- Civil enforcement actions should be publicized using at least a press release

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Boilerplate: The boilerplate Case Development Memorandum for Negotiating a Civil Settlement can be found as Appendix B4.

Policy: The Notification Policy For Local Governmental Agencies can be found as Appendix P11.

Policy: The Compliance and Enforcement Press Policy can be found as Appendix P16.

- ICE:
- 1) Immediately after a missed NOV deadline, *NOV Deadline Missed by RP* must be entered as an action in the Case Screen.
 - 2) Once the CDM has been signed by the agency's compliance and enforcement coordinator, *Case Development Memorandum Completed* must be entered in the Case Screen.
 - 3) Once an Assistant Attorney General has been assigned, *Assistant Attorney General Assigned* must be entered as an action and the name of the attorney must be entered as additional information in the Case Screen.

If the responsible party has been issued an NOC and has adequately documented compliance:

- ADEQ will issue a letter to the responsible party closing the NOC.
- ADEQ will cease sending agency action update letters.

Boilerplate: The boilerplate NOC Closure Letter can be found as Appendix B14.

- ICE:
- 1) Upon receipt of the compliance documentation, *NOC Response Received from RP* must be entered as an action in the Case screen, and the date achieved must be entered for each compliance documentation requirement.
 - 2) Once the closure letter has been sent, *NOC Closure Letter Sent to RP* must be entered as an action in the Case Screen.

If the responsible party has been issued an NOC and has not adequately documented compliance:

Within 180 days of the original inspection date, ADEQ must either reinspect the facility or otherwise follow up to determine whether the facility has corrected the violation.

- If the violation *has been* corrected, ADEQ will issue a letter to the responsible party closing the NOC.
- If the violation *has not been* corrected, ADEQ will issue an NOV to the responsible party. This will result in another determination of the appropriate follow-up activity based upon the responsible party's response to the NOV.

- If the responsible party has submitted an inadequate response to ADEQ, ADEQ will send a letter to the responsible party explaining the inadequacy of the response.

- ICE:
- 1) Upon receipt of a response from the responsible party, *NOC Response Received from RP* must be entered as an action in the Case Screen.
 - 2) Once sent, *NOC Response Letter Sent to RP* must be entered as an action in the Case Screen
 - 3) Immediately after a NOC missed deadline, *NOC Deadline Missed* must be entered and *NOC Follow-up Inspection to be Conducted* must be entered as actions in the Case Screen.

If the responsible party has been issued a Compliance Order, Abatement Order or entered into a Consent Order and has violated the Order:

- A Notice of Violation (NOV) will be sent to the responsible party with a cover letter explaining the NOV.
- Both the cover letter and NOV will be sent certified mail, return receipt requested.
- If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, a copy of the NOV must be sent to the appropriate county official(s) and if deemed appropriate, to any affected environmental justice community.
- If the violation *is not* causing an immediate and significant threat to public health or the environment:
 - ▶ For non hazardous waste orders, ADEQ will refer the case to the Attorney General's Office via a Case Development Memorandum for the Negotiating a Civil Settlement that will include both injunctive relief and a civil penalty.
 - ▶ For hazardous waste orders, ADEQ will issue an Order Assessing a Civil Penalty.
- If the violation *is* causing an immediate and significant threat to public health or the environment, ADEQ will request a temporary restraining order or preliminary injunction via a Request for Assignment of Assistant Attorney General to be followed by a Case Development Memorandum for Filing a Civil Complaint.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency update letters until the filing of a civil complaint .

Boilerplate: The boilerplate administrative order Notice of Violation cover letter language can be found as Appendix B26.

Boilerplate: The boilerplate Notice of Violation can be found as Appendix B18.

Boilerplate: The boilerplate Case Development Memorandum for Negotiating a Civil Settlement can be found as Appendix B4.

Boilerplate: The boilerplate Order Assessing a Civil Penalty can be found as Appendix B6.

Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.

Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.

- ICE:
- 1) *Case Recommended* must be entered as an action in the Inspections Screen and the alleged violations, description of facts and compliance documentation requirements must be entered in the Case Screen.
 - 2) Once sent, *NOV Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOV Received by RP* must be entered as an action in the Case Screen.
 - 3) Once the CDM has been signed by the agency's compliance and enforcement coordinator, *Case Development Memorandum Completed* must be entered in the Case Screen.
 - 4) Once an Assistant Attorney General has been assigned, *Assistant Attorney General Assigned* must be entered as an action and the name of the attorney must be entered as additional information in the Case Screen.

If the responsible party has been issued a Compliance Order, Abatement Order or entered into a Consent Order and has met the terms of the order:

ADEQ will issue a Termination of Administrative order to the responsible party

Boilerplate: The boilerplate Termination of Order can be found as Appendix B25.

- ICE:
- 1) Upon receipt of a request for termination of a Compliance Order, Abatement Order, or Consent Order, *Order Termination Request from RP* must be entered as an action in the Case screen.
 - 2) Once the request has been approved, *Order Terminated* must be entered as an action in the Case Screen.

If the responsible party is subject to a Civil Judgment (including a Consent Judgment or Consent Decree) and has violated the Judgment:

- A Notice of Violation (NOV) will be sent to the responsible party with a cover letter explaining the NOV.
- Both the cover letter and NOV will be sent certified mail, return receipt requested.
- If for a drinking water system, wastewater treatment or disposal facility, or solid waste disposal facility, a copy of the NOV must be sent to the appropriate county official(s) and if deemed appropriate, to any affected environmental justice community.
- After closing the NOV (with reservations) ADEQ will request that the responsible party submit payment of the stipulated penalties due under the Consent Judgment or Decree.
- If payment is not submitted after the request, ADEQ will refer the issue to the Attorney General's Office.
- If the violation is of a civil judgment, ADEQ will request that the Attorney General's Office file a motion to show cause via a Request for Assignment of Assistant Attorney General and a Case Development Memorandum for Filing a Civil Complaint.
- If the violation was discovered during the course of an inspection, ADEQ will continue to send agency update letters until the filing of a civil complaint or until notifying the responsible party that no further action will be taken.

- Boilerplate: The boilerplate Notice of Violation cover letter language can be found as Appendix B21.
- Boilerplate: The boilerplate Notice of Violation can be found as Appendix B19.
- Boilerplate: The boilerplate Case Development Memorandum for Filing a Civil Complaint can be found as Appendix B3.
- Boilerplate: The boilerplate Request for Assignment of an Assistant Attorney General can be found as Appendix B24.
- ICE:
- 1) *Case Recommended* must be entered as an action in the Inspections Screen and the alleged violations, description of facts and compliance documentation requirements must be entered in the Case Screen.
 - 2) Once sent, *NOV Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *NOV Received by RP* must be entered as an action in the Case Screen.
 - 3) Once sent, *Stipulated Penalty Demand Letter Sent to RP* must be entered as an action in the Case Screen. Once received by the responsible party, *Stipulated Penalty Demand Letter Received by RP* must be entered as an action in the Case Screen. Once paid, *Stipulated Penalty Payment Received from RP* must be entered as an action in the Case Screen.
 - 4) Once the CDM has been signed by the agency's compliance and enforcement coordinator, *Case Development Memorandum Completed* must be entered in the Case Screen.
 - 5) Once an Assistant Attorney General has been assigned, *Assistant Attorney General Assigned* must be entered as an action and the name of the attorney must be entered as additional information in the Case Screen.

If the responsible party has entered into a Consent Judgment or Consent Decree and has met the terms of the order:

ADEQ will send a memorandum to the Attorney General's Office requesting the filing of a motion to terminate the Consent Judgment or Decree.

- ICE:
- 1) Upon receipt of a request for termination of a Consent Judgment or Consent Decree, *Judgment/Decree Termination Request from RP* must be entered as an action in the Case screen.
 - 2) Once the motion has been filed with the court, *Judgment Decree Closed* must be entered as an action in the Case Screen.

CHAPTER 9: ENFORCEMENT APPROVAL PROCEDURES

NOTICE OF OPPORTUNITY TO CORRECT/NOTICE OF VIOLATION

After being signed by the inspector (or compliance officer), an NOC or NOV will be routed to the appropriate unit manager for his or her co-signature.¹

CONSENT ORDER

- 1) A Consent Order must be routed through the appropriate unit manager to the section manager, or in the case of a regional office, through the ADEQ Compliance and Enforcement Coordinator to the regional office manager, for review. Once approved by the section manager or regional office manager, the draft Consent Order may be sent to the responsible party for review.
- 2) Once signed by the responsible party, the Consent Order must be routed from the appropriate unit manager through the appropriate section manager to the appropriate division director, or in the case of a regional office, through the ADEQ Compliance and Enforcement Coordinator to the regional office manager, for signature.²
- 3) Once signed by both parties, the Consent Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

COMPLIANCE/ABATEMENT ORDER

- 1) A Compliance Order or Abatement Order must be routed through the appropriate unit manager and section manager to the appropriate division director, or in the case of a regional office, through the ADEQ Compliance and Enforcement Coordinator to the regional office manager, for signature.³ The Order must be accompanied by a memorandum that describes the rationale for the Order.
- 2) Once signed, the Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

COMPLIANCE ORDER WITH CIVIL ADMINISTRATIVE PENALTY

- 1) A Compliance Order with Civil Administrative Penalty must be routed through the appropriate unit manager and the Water Quality Compliance Section Manager to the Water Quality Division Director for signature. The Order must be accompanied by a memorandum that describes the rationale for the Order.
- 2) Once signed, the Order must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

¹Except for UST Inspection and Compliance NOVs and NOCs that are issued in the field with the signature of the inspector only.

²The regional office managers' authority to sign Consent Orders is limited to those Consent Orders entered pursuant to A.R.S. §§ 49-261, 49-354(B), and 49-461.

³The regional office managers' authority to sign Compliance Orders and Abatement Orders is limited to those Orders issued pursuant to A.R.S. §§ 49-261, 49-354(B), and 49-461.

LICENSE SUSPENSION or LICENSE REVOCATION

- 1) A License Suspension or License Revocation must be routed through the appropriate unit manager and section manager to the appropriate division director for signature. The suspension or revocation must be accompanied by a memorandum that describes the rationale for the suspension or revocation.
- 2) Once signed, the suspension or revocation must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

ORDER ASSESSING A CIVIL PENALTY (for hazardous waste administrative order violations)

- 1) A draft Order Assessing a Civil Penalty and a Request for Assignment of an Assistant Attorney General memorandum must be sent to the Arizona Attorney General's Office. The Request for Assignment of an Assistant Attorney General memorandum must include a brief explanation of the circumstances of the case along with the calculations made pursuant to the hazardous waste civil penalty guidance. The draft Order Assessing a Civil Penalty and the Request for Assignment of an Assistant Attorney General memorandum must be routed from the Hazardous Waste Inspections and Compliance Unit (HWICU) Manager, through the Hazardous Waste Section Manager, the Waste Programs Division Director, and the ADEQ Compliance and Enforcement Coordinator to the ADEQ Director for signature. A Case Development Memorandum (CDM) is not required.
- 2) After consultation with the Attorney General's Office, the final administrative Order Assessing a Civil Penalty must be routed through the HWICU Manager, and the Hazardous Waste Section Manager to the Waste Programs Division Director for signature.
- 3) Once signed, the Order Assessing a Civil Penalty must be routed to the Hearing Administrator in the Office of Special Counsel for entry and distribution.

TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION

- 1) A Request for Assignment of an Assistant Attorney General memorandum must be routed from the appropriate unit manager, through the appropriate section manager, the appropriate division director, and the ADEQ Compliance and Enforcement Coordinator to the ADEQ Director.
- 2) Within 60 days of the assignment of an Assistant Attorney General a detailed Case Development Memorandum for Filing a Civil Complaint must be routed from the appropriate unit manager, through the appropriate section manager, the appropriate division director, and the ADEQ Compliance and Enforcement Coordinator to the Department Director.

PERMANENT INJUNCTION/CIVIL PENALTY

The approval process will be based upon whether a negotiated settlement is sought.

If a negotiated settlement is sought:

A Case Development Memorandum for Negotiating a Civil Settlement must be routed from the appropriate unit manager, through the appropriate section manager, the appropriate division director, and the ADEQ Compliance and Enforcement Coordinator to the Department Director.

If the filing of a civil complaint prior to settlement is sought with no attempt at negotiations:

A Request for Assignment of an Assistant Attorney General and a Case Development Memorandum for Filing a Civil Complaint must be routed from the appropriate unit manager, through the appropriate section manager, the appropriate division director, and the ADEQ Compliance and Enforcement Coordinator to the Department Director.

If the filing of a civil complaint prior to settlement is sought after an attempt to negotiate has failed:

A Case Development Memorandum for Filing a Civil Complaint must be routed from the appropriate unit manager, through the appropriate section manager, the appropriate division director, and the ADEQ Compliance and Enforcement Coordinator to the Department Director.

CRIMINAL REFERRAL

- The Criminal Information Transmittal (CIT) memorandum must be routed from the appropriate unit manager, through the appropriate section manager and the appropriate division director to the ADEQ Special Counsel.
- Should an expedited criminal referral become necessary due to any of the following, verbal approval for direct contact with the Attorney General's Office may be obtained from the appropriate section manager, with the CIT memorandum to follow:
 - ▶ An ongoing crime or where the taking of samples is time sensitive
 - ▶ There is a likelihood that evidence is being destroyed or a witness is being intimidated
 - ▶ An informant has called ADEQ and would like to cooperate
- ▶ All criminal referrals must be accompanied by a recommendation for a permanent injunction/civil penalty in accordance with the procedures described above (unless there is no underlying civil violation).

Policy: The Criminal Information Transmittal Policy can be found as Appendix P6.

BOARD OF TECHNICAL REGISTRATION REFERRAL

- 1) Documentary materials and a letter justifying the referral must be sent to the designated senior level registrant within the appropriate Division responsible for overall program administration for review and approval.
- 2) Once approved, the senior level registrant must send the documentary materials and letter to the ADEQ Special Counsel for review and approval.
- 3) Once approved by the Special Counsel, the referral letter from the senior level registrant will be sent to the Board of Technical Registration along with all documentary materials.

CHAPTER 14: SPECIAL ENFORCEMENT CONSIDERATIONS FOR THE UST CORRECTIVE ACTION SECTION

Although the concepts described in this handbook generally apply to the enforcement activities taken by the LUST Enforcement Unit within the UST Corrective Action Section, several concepts and procedures have had to be modified due to the unique principles governing ADEQ's oversight of the corrective actions required in response to releases from underground storage tanks (USTs). The very nature of UST corrective actions, along with the statutory implications of the State Assurance Fund (SAF) warrant the special enforcement considerations described in this Chapter.

UST CORRECTIVE ACTION ISSUES

Since it typically takes more than 120 days to conduct the corrective actions required in response to a UST release (the maximum time allowed for resolving a violation under an NOV), the UST Corrective Action Section will often enclose a copy of the *Consent Order Negotiation Guidelines* along with a draft Consent Order when issuing an NOV (rather than waiting until a deadline within the NOV is missed). This allows the responsible party to utilize the full amount of time allowed under the NOV to review the terms and conditions of the Consent Order. Entering into a Consent Order also allows the responsible party to preserve its rights to State Assurance Fund reimbursement as described below.

Guidance: The Consent Order Negotiation Guidelines can be found as Appendix G1.

Guidance: The Underground Storage Tank Corrective Action Section's Addendum to the Consent Order Negotiation Guidelines can be found as Appendix G3.

Although the UST Corrective Action Section does conduct site visits to observe field activities, to become familiar with site orientation, and to collect split samples, it generally does not perform site inspections for the purpose of determining compliance (compliance determinations are usually based on departmental file reviews). As a result, the UST Corrective Action Section does not provide opportunities to correct deficiencies (which are normally reserved for minor violations discovered during the course of an inspection) and is specifically exempted from the inspection procedures described in Chapter 3 (Inspection Procedures) and ADEQ's Inspection Procedures Policy (Appendix P8).¹ Consequently, the UST Corrective Action Section does not keep a list of minor violations and does not issue NOCs. The UST Section does maintain a list of major violations (Appendix L21) that will result in the issuance of a Notice of Violation.

¹See Appendix M1.

STATE ASSURANCE FUND (SAF) ISSUES

State Assurance Fund (SAF) Reimbursement:

The SAF was established to reimburse individuals for a portion of the costs expended for conducting UST corrective actions. A UST owner or operator that has entered into a Consent Order with ADEQ maintains eligibility for SAF reimbursement. However, pursuant to [A.R.S. § 49-1052\(F\)\(3\)](#), a UST site that is the subject of an enforcement proceeding under [A.R.S. § 49-1013](#) (a final compliance order, a final violated consent order, or a civil complaint²) is not eligible for SAF coverage.

SAF Pre-approval:

Pursuant to [A.R.S. § 49-1053\(C\)](#), an owner or operator may not elect the SAF preapproval process if the corrective action costs included in an application for SAF coverage pertain to a site that is the subject of a Compliance Order or Consent Order.³ However, provided that all SAF eligibility criteria are met, an owner or operator may elect the SAF preapproval process by submitting an application and work plan to ADEQ for a site that is the subject of an NOV.⁴

In most cases, ADEQ considers submittal of a SAF preapproval application as an acceptable response to an NOV issued for violations requiring UST corrective action.⁴ As a result, if the owner or operator submits a complete SAF preapproval application and work plan, ADEQ will close the NOV upon ADEQ's approval of the SAF work plan. ADEQ will explicitly reserve the right to pursue escalated enforcement if the owner or operator fails to achieve compliance pursuant to the work plan developed under the SAF preapproval process. Once approved, ADEQ will monitor the owner or operator's compliance with the SAF work plan and associated schedule. If the work plan is not implemented as approved, ADEQ will initiate unilateral formal enforcement (i.e., a Compliance Order or Civil Referral) according to Chapter 9 (Enforcement Approval Procedures).

Boilerplate: The UST Corrective Action boilerplate NOV Closure Letter (reserving further action) can be found as Appendix B27.

Additional guidance regarding the effects of the SAF upon the Consent Order negotiation process, can be found in the Underground Storage Tank Corrective Action Section Addendum to *Consent Order Negotiation Guidelines* which can be found as Appendix G3.

²Under [A.R.S. § 49-1052\(F\)\(3\)\(a\)](#), a court may determine that withholding payment from the SAF is an appropriate sanction.

³The SAF pre-approval rules ([A.A.C. R18-12-607.01 et. seq.](#)) do not apply to corrective action expenses incurred under a judicial or administrative order.

⁴This does not apply for to an NOV issued for violation of an administrative order (e.g., a Consent Order).

Administrative Order Violations

ADEQ considers violation of a Consent Order or Compliance Order that is administered by the UST Corrective Action Section as Penalty Non-Compliance (PNC). Once discovered by ADEQ, the UST Corrective Action Section will issue a Notice of Violation (NOV) to the owner or operator regarding the violation. The cover letter to the NOV will state that the NOV does not constitute a final administrative decision under [A.R.S. § 49-1052\(F\)\(3\)\(c\)](#). The UST Corrective Action Section will consider the owner or operator's response to the NOV when deciding whether to render an administrative decision withholding payment from the SAF for those cost that are the direct subject of the violation of a Consent Order (when the owner or operator submits a request for payment). As is normally the case, will reserve the right to pursue civil enforcement, including penalties, regardless of the issuance of, or response to, the NOV. There is no requirement that the UST Corrective Action Section first send an NOV before issuing an appealable Administrative Decision Finding Violation of Consent Order and Withholding Payment from the State Assurance Fund.

Boilerplate: The boilerplate Notice of a Violation can be found as Appendix B18.

Boilerplate: The UST Corrective Action Section boilerplate Consent Order Notice of Violation cover letter language can be found as Appendix B28.

Boilerplate: The boilerplate Administrative Decision Finding Violation of Consent Order and Withholding Payment from the State Assurance Fund can be found as Appendix B29.

Pursuant to [A.R.S. § 49-1052\(F\)\(3\)\(c\)](#), ADEQ may withhold up to 25% of the eligible costs incurred for activities performed to cure violations that gave rise to a Compliance Order or violations of a Consent Order effective after November 1, 2000. In determining whether a reduction in SAF reimbursement is appropriate for a Compliance Order or violated Consent Order, the UST Corrective Action Section will use the adjustment factors outlined in the *General Settlement Penalty Offer Adjustment Factors* Section of Chapter 8 (Penalty Determinations), with the modifications described below. The following factors affect the owner or operator's potential reduction in SAF reimbursement for those activities that are performed to cure the violation and that gave rise to the Compliance Order or violated Consent Order:

Aggravating Factors:

Seriousness of provision violated: includes threat or actual harm to human health and/or the environment and/or impedance of ADEQ's ability to provide adequate regulatory oversight.

History of violations at the site: includes any previous reduction in SAF reimbursement at the site pursuant to [A.R.S. § 49-1052\(F\)\(3\)](#).

Recalcitrance: continuing failure to comply with the terms and conditions of the subject order.

Duration of Order violation: the violation of the Order has continued over a period of time, with the violator's knowledge and no or minimal attempts have been made to correct the violation.

Mitigating Factors:

Good faith efforts: timely corrective action or other evidence of good faith that results in progress towards compliance.

Other mitigating factors: ADEQ will consider other factors which require a reduction in SAF reimbursement. For example, conflicting guidance from ADEQ or other regulatory agencies concerning the particular activity may be considered.

STATE LEAD CORRECTIVE ACTIONS

If a UST owner or operator fails to comply with a Compliance Order or Consent Order administered by the UST Corrective Action Section, ADEQ may take corrective action with respect to the UST release(s), and recover from the responsible party the costs incurred for conducting corrective action.⁵

⁵See [A.R.S. § 49-1017](#).

CHAPTER 15: SPECIAL ENFORCEMENT CONSIDERATIONS FOR SPILLS and PARTICIPATION IN THE VOLUNTARY REMEDIATION PROGRAM

This chapter describes how ADEQ will address spills of pollutants to the environment, regardless of the source. ADEQ may become aware of a spill in a variety of ways, including reports from the responsible party,¹ complaints from the general public, or on its own during the course of a routine inspection or when responding to an emergency. Regardless of how ADEQ becomes aware of a spill, the process for requiring and overseeing cleanup remains the same. Not all spills warrant cleanup or oversight, though. Some spills merely require mitigation of potential harms, while others can be cleaned up without the involvement of ADEQ. The procedures described in this chapter apply to those spills needing remediation and ADEQ oversight.

Once a spill is identified, ADEQ's first priority will be for cleanup in an expeditious manner. Although ADEQ prefers that spills be cleaned up under the Voluntary Remediation Program (VRP), ADEQ can not force a responsible party to participate. If a responsible party chooses not to participate in the VRP, though, ADEQ will aggressively pursue clean up of the spill (and possibly pursue penalties for the spill) under its other authorities (listed in Appendix M7). If a party does choose to participate in the VRP and cleans up the spill to the satisfaction of ADEQ, ADEQ will forgo formal enforcement to require clean up and significantly reduce any civil penalty sought.

Because the ADEQ program that initially becomes aware of a spill is not always the program with the best authority to require clean up of the spill, internal ADEQ referrals are at times necessary and appropriate. The following steps must be taken to make such an internal referral. If the spill potentially constitutes criminal littering or other criminal activity, a criminal information transmittal form should be completed as well.² Furthermore, if the spill is causing an immediate and substantial risk to human health and/or the environment, these steps may be modified accordingly to refer the case to the Attorney General's Office for seeking a temporary restraining order or preliminary injunction.³

Appendix: A table describing the potential Arizona legal authorities/violations associated with a spill can be found as Appendix M7.

¹Spill reporting requirements may be found in a permit issued to the responsible party, and/or in statute/rule (e.g., [A.R.S. § 49-284](#)).

²See Chapter 6 (Formal Enforcement Tools) and Chapter 9 (Enforcement Approval Procedures) for a description of when and how to make a criminal referral.

³See Chapter 6 (Formal Enforcement Tools) and Chapter 9 (Enforcement Approval Procedures) for a description of when and how to make a referral to the Attorney General's Office for seeking a temporary restraining order or preliminary injunction.

STEP 1: Complete the Incident/Spill Report Form

Immediately after ADEQ becomes aware of a spill that may constitute a violation of Arizona law,⁴ an Incident/Spill Report Form should be completed. Although discretionary if an internal ADEQ referral will not be made, an Incident/Spill Report Form must be completed if the program wishes to refer the spill to another program within the agency.

Boilerplate: The boilerplate Incident/Spill Report Form can be found as Appendix B30.

STEP 2: Submit Incident/Spill Report Form to Compliance and Enforcement Coordinator

If the ADEQ program made aware of a spill that may constitute a violation does not issue an NOC or NOV, a completed Incident/Spill Report Form must be submitted to the ADEQ Compliance and Enforcement Coordinator with a recommended enforcement program for addressing the spill. The ADEQ Compliance and Enforcement Coordinator will assign a program for initiating enforcement, but only after consulting with the manager of the program to be assigned.

STEP 3: Conduct Inspection

If an inspection of the spill has not already been conducted by ADEQ pursuant to the procedures identified in Chapter 3 (Inspection Procedures), the assigned program must conduct an inspection as described in Chapter 3 as soon as possible before initiating enforcement.⁵

STEP 4: Issue Appropriate Compliance Assurance Document

If the program determines that the spill constitutes Significant Non-Compliance (SNC), it must issue a Notice of Violation (NOV) citing the appropriate authority from Appendix M7. When issuing an NOV for a spill needing cleanup, ADEQ will invite the responsible party to participate in the VRP, including a description of the VRP and explicitly stating that full participation in the VRP will result in: (1) Closure of the NOV; and (2) A significant reduction in any penalties sought by ADEQ for the spill.⁶ The invitation will be in the cover letter to the NOV, and not in the *Documenting Compliance* provisions of the NOV. The *Documenting Compliance* provisions should still state what the responsible party can do to demonstrate to ADEQ that the violation has been corrected (or that the violation did not occur).

⁴Not all spills constitute a violation (e.g., underground storage tank releases alone do not constitute a violation). Regardless of whether a spill constitutes a violation, though, an Incident/Spill Report Form must be completed if the spill is going to be referred to another program within the agency.

⁵If substantiation of the spill can not be achieved through an on-site inspection, then an on-site inspection is not necessary.

⁶See [A.R.S. § 49-172\(B\)](#) for a complete list of those activities that do not qualify for participation in the VRP. This list includes: corrective actions at hazardous waste permitted and interim status facilities, corrective actions for a releases from underground storage tanks (unless state assurance fund reimbursement rights are waived), corrective actions required by an administrative order or civil judgment or decree or sought in a civil complaint, and remedial actions at WQARF registry sites, except under certain conditions.

Boilerplate: The boilerplate NOV cover letter language for a spill needing cleanup can be found as Appendix B31.

Boilerplate: The boilerplate description of the VRP can be found as Appendix B32.

STEP 5: Determine Appropriate Follow-up Enforcement Activity

The appropriate follow-up enforcement activity to be taken by ADEQ will be based upon the procedures described in Chapter 7 (Enforcement Escalation Procedures) and whether the responsible party cleans up the spill under the VRP and thus to the satisfaction of ADEQ.

If the responsible party submits an application for participation in the VRP that is deemed complete by ADEQ and is accepted into the VRP:

ADEQ will close the NOV, reserving the right to seek a penalty.⁷ The ADEQ program that conducted the inspection confirming the spill will continue to issue monthly action update letters citing “awaiting outcome of participation in the Voluntary Remediation Program” until a letter stating that no further enforcement action will be taken as a result of the spill is sent, or a civil complaint is filed.

Boilerplate: The boilerplate Action Update Letter can be found as Appendix B1.

Boilerplate: The boilerplate NOV Closure Letter for participation in the VRP (reserving further action) can be found as Appendix B33.

ICE: After sending an Action Update Letter, the inspector must enter *Action Update Letter Sent to RP* as an action in either the Inspection Screen or the Case Screen (depending on whether a case has been opened). If an NOV Closure Letter (reserving further action) has been sent, *NOV Closure Letter Sent to RP* must be entered as an action in the Case Screen.

If the responsible party chooses not to submit a complete application for participation in the VRP or is not accepted into the VRP:

ADEQ will continue normal escalated enforcement as described in Chapter 7 (Enforcement Escalation Procedures), which will include an evaluation whether the violation constitutes Penalty Non-Compliance (PNC) and thus whether ADEQ will seek civil penalties. The calculation of a civil penalty will not be affected by the responsible party’s choice not to participate in the VRP.

If an approved application for the VRP is terminated by ADEQ or withdrawn by the responsible party:

ADEQ will pursue formal enforcement, including civil penalties, as described in Chapter 7 (Enforcement Escalation Procedures). The settlement penalty calculations performed pursuant to Chapter 8 (Penalty Determinations) will be for the entire period of time from the spill to completion of cleanup activities, including the period of time during which the responsible party participated in the VRP and as allowed by law.

⁷Pursuant to [A.R.S. § 49-184\(B\)](#), ADEQ may seek penalties regardless of participation in the VRP.

If ADEQ issues a no further action determination or conditional no further action determination under the VRP and the spill constitutes Penalty Non-Compliance (PNC):

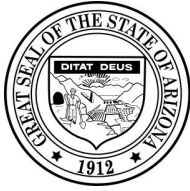
Any penalties sought by ADEQ in settlement or in a civil complaint will be limited to the number of days from the original spill up to the date the responsible party submitted a complete VRP application (which will most likely be prior to the actual cessation of the violation(s) and thus result in fewer days of violation(s)). ADEQ will further reduce the amount of civil penalties sought in settlement by a meaningful amount, depending on the nature of the spill and the cleanup. The appropriate amount of the reduction will be determined based upon the General Initial Settlement Penalty Offer Adjustment Factors described in Chapter 8 (Penalty Determinations).

The ADEQ program that conducted the inspection confirming the spill will continue to issue monthly action update letters citing “determining appropriate ADEQ response to identified violations” until a letter stating that no further enforcement action will be taken as a result of the spill is sent, or a civil complaint is filed.

If ADEQ issues a no further action determination or a conditional no further action determination under the VRP and the spill does not constitute PNC:

ADEQ will issue a letter stating that no further enforcement action will be taken as a result of the spill. ADEQ will also cease issuing agency action update letters.

ICE: If a letter stating that no further enforcement action will be taken as a result of the spill has been sent, *Case Closed* must be entered as an action in the Case Screen.



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007-2935
(602) 771-2300 • www.adeq.state.az.us



Jacqueline E. Schafer
Director

[Date]

Inspection ID #: [Inspection ID #]

[Facility Owner/Facility Operator]

Attention: [Attention First Name] [Attention Last Name]

[Address]

[City, State, Zip]

Subject: Update of Action Resulting from On-Site Inspection
[Facility Name], [Facility Identification Number]
[Address or other location information]

Dear [Prefix] [Attention Last Name]:

This letter constitutes the monthly update on the status of Arizona Department of Environmental Quality (ADEQ) action resulting from ADEQ's inspection of the above-referenced site on [Inspection Date], as required by A.R.S. § 41-1009(H). In providing this update, ADEQ has reviewed only those actions resulting from this inspection, and has not considered other information that may be in ADEQ's files for this site or any action unrelated to this inspection.

The current status of ADEQ action resulting from the above-referenced inspection is as follows (the applicable items are checked):

- _____ 1. Transmitting samples to laboratory; awaiting results
- _____ 2. Analyzing sample data; reviewing sample analysis
- _____ 3. Preparing inspection report
- _____ 4. Reviewing and analyzing inspection report
- _____ 5. Determining appropriate ADEQ response to identified violations
- _____ 6. Awaiting response from your facility
- _____ 7. Reviewing response from your facility
- _____ 8. Awaiting outcome of participation in the Voluntary Remediation Program
- _____ 9. Other

If you have any questions regarding this update, please contact the undersigned at the phone number provided.

Sincerely,

[ADEQ Unit Manager], Manager
[Unit]
[ADEQ Unit Manager Phone Number]

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

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**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

[Name of Facility] located at [Street Address
of Facility] [City where Facility Located],
[County where Facility Located], Arizona

[ADEQ Identification Number for Facility]

**COMPLIANCE ORDER
WITH CIVIL ADMINISTRATIVE
PENALTY**

Docket No. _____

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name
of Facility] located at [Street Address of Facility], [City where Facility Located], [County where
Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined
that [Name of Responsible Party] is in violation of the Arizona Revised Statutes ("A.R.S.") or the
rules adopted pursuant to the A.R.S. As a result, the Director is issuing this Order requiring
compliance within a reasonable time and imposing a civil administrative penalty, as described below.

I. AUTHORITY

The Director is authorized to issue this Order pursuant to A.R.S. § 49-354.

II. NATURE OF VIOLATION(S)

The Director has reason to believe that [Name of Responsible Party] has violated the following
provisions set forth in the A.R.S., or the Arizona Administrative Code (A.A.C.):

A. [A.R.S. Citation] [Brief Legal Description of Violation]
[A.A.C. Citation]
[Factual Description of Violation(s)]

III. TIME FOR COMPLIANCE

IT IS ORDERED that [Name of Responsible Party] achieve compliance by taking the specific
actions set forth below:

1 A. Within [Number] calendar days of the effective date of this Order [Detailed description of
2 how the facility must achieve and document compliance (mirroring the Documenting
3 Compliance provisions of the relevant Notice of Violation). Appropriate documentation
4 includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans,
5 technical drawings, permits or any other document(s) necessary to establish compliance.]

6 **IV. CIVIL ADMINISTRATIVE PENALTY**

7 After performing the appropriate calculations pursuant to A.R.S. § 49-354(C), and upon
8 consideration of all the factors outlined in A.R.S. § 49-354(D), ADEQ is hereby imposing a civil
9 administrative penalty in the amount of \$[Administrative Penalty Amount]. Payment shall be
10 made within 30 calendar days of the effective date of this Order by cashier's check made payable
11 to "Arizona Department of Environmental Quality" and shall be hand-delivered or mailed post
12 marked prior to the due date, postage prepaid to:

13 Mr. Michael D. Clark, Chief Financial Officer
14 Arizona Department of Environmental Quality
15 Attention: Accounts Receivable
1110 West Washington Street
Phoenix, Arizona 85007-2935

16 Payment shall be made with a letter tendering the check. The letter shall identify this case by the
17 docket number. A copy of the letter and the check shall also be sent to ADEQ's Water Quality
18 Division as described in Section VII (Correspondence).

19 **V. RIGHT TO HEARING**

20 [Name of Responsible Party] has a right to a hearing before an administrative law judge to
21 contest this Order. [Name of Responsible Party] may request a hearing, provided such request is
22 made within thirty (30) calendar days of receipt of this Order. A request for hearing must be in
23 writing and must specifically identify those portions of this Order which are contested. To
24 request a hearing, submit a letter that specifically identifies those portions of the Order being
25 contested to the following address:

26 Arizona Department of Environmental Quality
27 Office of Special Counsel
28 Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

1 **VI. ENFORCEMENT OF ORDER**

2 This Order becomes final and enforceable in superior court within thirty (30) calendar days of
3 receipt, unless a hearing is properly requested as set forth above. As a result, the effective date of
4 this Order is thirty (30) calendar days from the date of receipt, or if this Order is appealed as set
5 forth above, the date that [Name of Responsible Party] receives the Director's final decision on
6 the appeal.

7 **VII. CORRESPONDENCE**

8 All invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical
9 drawings, permits or any other document(s) necessary to establish compliance or required by this
10 Order must be mailed or hand delivered to the following address:

11 Arizona Department of Environmental Quality
12 Water Quality Division
13 Attention: [ADEQ Contact and Title]
14 1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

15 Any such correspondence shall be deemed submitted when received by the ADEQ at the above
16 address.

17 **VIII. RESERVATION OF RIGHTS**

18 By issuing this Order the Arizona Department of Environmental Quality does not waive its right
19 to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona
20 Revised Statutes, or any rule, permit or order promulgated or issued thereunder, or any other
21 applicable environmental statute or legal authority.
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1 || **ISSUED** this ____ day of _____, 200_.

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1 **ORIGINAL** of the foregoing Compliance Order was sent certified mail, return receipt requested,
2 this ____ day of _____, 200_, to:

3 [Name of Responsible Party]

4 [Address of Responsible Party]

5 **COPY** of the foregoing Compliance Order was filed this ____ day of _____, 200_, with:

6 Arizona Department of Environmental Quality

7 Office of Special Counsel

8 Attention: Lavonne Watkins, Hearing Administrator

9 1110 West Washington Street

10 Phoenix, Arizona 85007-2935

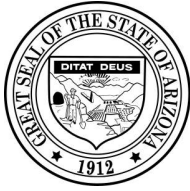
11 **COPIES** of the foregoing Compliance Order were sent by regular/interdepartmental mail, this
12 ____ day of _____, 200_, to the following:

13 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

14 [Program Manager(s), ADEQ]

15 [County Health Department]

16 [Environmental Protection Agency]



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007-2935
(602) 771-2300 • www.adeq.state.az.us



Jacqueline E. Schafer
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]

Attention: [Attention]

[Address]

[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

CAUTION LETTER

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name] has violated Aquifer Protection Permit # [APP Permit #]. The alleged violations listed in the attached table were identified on a Self-Monitoring Report Form (SMRF) received by ADEQ on [SMRF received date].

ADEQ is sending this letter because the number and/or magnitude of the alleged permit violations exceed caution levels. Because the alleged violations are not considered major, ADEQ does not intend to take enforcement at this time, but does reserve the right to do so in the future. The same caution level exceedance reported in any of the next three SMRFs will constitute a major violation and will result in the issuance of a Notice of Violation by ADEQ. Please find enclosed for your review the permit violations for which ADEQ will issue a Caution Letter (i.e., caution levels) and those for which ADEQ will issue an NOV (i.e., major violations).

If you believe this letter has been sent in error, or if you would like information about the compliance assistance programs offered by ADEQ, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

[ADEQ Unit Manager], Manager
[Unit]

Attachments

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

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CAUTION LEVELS / MAJOR VIOLATIONS - WATER QUALITY PERMITS

Monitoring Frequency	TRC Violations ¹		Discharge Limit Violations ²		Review Period
	Caution Level	Major Violation	Caution Level	Major Violation	
Daily	4-8	9 or more	9-17	18 or more	Quarterly
5 per week	3-5	6 or more	6-11	12 or more	Quarterly
2 per week	2-4	5 or more	5-9	10 or more	Quarterly
5 per month	2-3	4 or more	4-7	8 or more	Quarterly
1 per week	1-2	3 or more	3-5	6 or more	Quarterly
2 per month	1	2 or more	2-3	4 or more	Quarterly
1 per month	1	2 or more	2-3	4 or more	2 Quarters
Quarterly	N/A	1 or more	1 or more	N/A	Quarterly
Biannually	N/A	1 or more	1 or more	N/A	Biannual
Annually	N/A	1 or more	1 or more	N/A	Annual

ADDITIONAL MAJOR WATER PERMIT VIOLATIONS:

- Two or more Caution Level exceedences within two, three, or four applicable consecutive review periods.
- Submittal of an ADEQ-approved or supplied Self-Monitoring Report Form (SMRF) 30 or more days after the due date (including a failure to report)

¹A Technical Review Criteria (TRC) violation is:

- 1) A deviation from a Category 1 TRC discharge limit by more than 1.4 times the discharge limit;
- 2) A deviation from a Category 2 TRC discharge limit by more than 1.2 times the discharge limit;
- 3) A deviation from a pH discharge limit; or
- 4) A Failure to report a single discharge limit parameter or inspection requirement on an ADEQ approved or supplied Self-Monitoring Report Form.

² A Discharge Limit Violation is:

- 1) A deviation from a restriction, prohibition, limitation, or criteria established by statute, rule, water quality permit, administrative order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants at a given monitoring point established in a water quality permit
- 2) A failure to report a restriction, prohibition, limitation, or criteria established by statute, rule, water quality permit, administrative order, or Consent Judgment on quantities, rates, concentrations, combinations, toxicity, and characteristics of pollutants at a given monitoring point in a water quality permit

TECHNICAL REVIEW CRITERIA (TRC) DISCHARGE LIMITS

Category 1 - Conventional Pollutants

(40% exceedance of discharge limit)

Oxygen Demand

Biochemical Oxygen Demand

Chemical Oxygen Demand

Total Oxygen Demand

Total Organic Carbon

Solids

Total Suspended Solids (Residues)

Total Dissolved Solids (Residues)

Turbidity

Other

Nutrients

Inorganic Phosphorus Compounds

Inorganic Nitrogen Compounds

Other

Detergents and Oils

MBAs

NTA

Oil and Grease

Other Detergents or Algicides

Minerals

Calcium

Chloride

Fluoride

Magnesium

Sodium

Potassium

Sulfur

Sulfate

Total Alkalinity

Total Hardness

Other Minerals

Metals

Aluminum

Cobalt

Iron

Vanadium

Temperature

Category 2 - Toxic Pollutants

(20% exceedance of discharge limit)

Metals (all forms)

Other metals not specifically
listed under Category 1

Inorganic

Cyanide

Total Residual Chlorine

Organics

All Organics are Category 2 except those specifically
listed in Category 1

Other

Flow

Radio nuclides

Fecal Coliform

Viruses



**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

[Name of Facility] located at [Street Address
of Facility] [City where Facility Located],
[County where Facility Located], Arizona

[ADEQ Identification Number for Facility]

**ORDER ASSESSING A
CIVIL PENALTY**

Docket No. _____

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name
of Facility] located at [Street Address of Facility], [City where Facility Located], [County where
Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined
that [Name of Responsible Party] has failed to take corrective action within the time specified in a
Compliance Order (Docket No. [Compliance Order Docket Number]) issued pursuant to A.R.S. §
49-923(A) on [Compliance Order Issue Date]. As a result, the Director is issuing this Order
assessing a civil penalty as described below.

I. AUTHORITY

The Director is authorized to issue this Order pursuant to A.R.S. § 49-923(B).

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following
provisions set forth in the Compliance Order issued on [Compliance Order Issue Date] (Docket
No. [Compliance Order Docket Number]).

**A. [Order #/Order Section]
[Brief Legal Description of Violation]**

[Factual Description of Violation(s)]

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1 address:

2 Arizona Department of Environmental Quality
3 Waste Programs Division
4 Attention: [ADEQ Contact and Title]
5 1110 West Washington Street
6 Phoenix, Arizona 85007-2935
7 Telephone: [Telephone Number of ADEQ Contact]

8 Any such correspondence shall be deemed submitted when received by the ADEQ at the above
9 address.

10 **VII. RESERVATION OF RIGHTS**

11 By issuing this Order the Arizona Department of Environmental Quality does not waive its right to
12 seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised
13 Statutes, or any rule, permit or order promulgated or issued thereunder, or any other applicable
14 environmental statute or legal authority.

15 **ISSUED** this ____ day of _____, 200__.

16 _____
17 [Name of Division Director], Director
18 Waste Programs Division
19 Arizona Department of Environmental Quality
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1 **ORIGINAL** of the foregoing Compliance Order was sent certified mail, return receipt requested,
2 this ____ day of _____, 200_, to:

3 [Name of Responsible Party]

4 [Address of Responsible Party]

5 **COPY** of the foregoing Compliance Order was filed this ____ day of _____, 200_, with:

6 Arizona Department of Environmental Quality

7 Office of Special Counsel

8 Attention: Lavonne Watkins, Hearing Administrator

9 1110 West Washington Street

10 Phoenix, Arizona 85007-2935

11 **COPIES** of the foregoing Compliance Order were sent by regular/interdepartmental mail, this ____
12 day of _____, 200_, to the following:

13 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

14 [Program Manager(s), ADEQ]

15 [County Health Department]

16 [Environmental Protection Agency]



**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

**COMPLIANCE ORDER
[OR ABATEMENT ORDER]**

[Name of Facility] located at [Street Address
of Facility] [City where Facility Located],
[County where Facility Located], Arizona

Docket No. _____

[ADEQ Identification Number for Facility]

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name
of Facility] located at [Street Address of Facility], [City where Facility Located], [County where
Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined
that [Name of Responsible Party] is in violation of the Arizona Revised Statutes ("A.R.S."), the rules
adopted pursuant to the A.R.S., or a permit issued pursuant to the A.R.S. As a result, the Director
is issuing this Order requiring compliance within a reasonable time as specified below.

I. AUTHORITY

The Director is authorized to issue this Order pursuant to A.R.S. § [49-261, 49-334, 49-354, 49-461,
49-781, 49-812, 49-862, 49-923, 49-964, or 49-1013].

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following
provisions set forth in the A.R.S., the Arizona Administrative Code (A.A.C.), or an ADEQ issued
permit:

A. [A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order
#/Order Section/Judgment #/Judgment Section]
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

1 **III. TIME FOR COMPLIANCE**

2 **IT IS ORDERED** that [Name of Responsible Party] achieve compliance by taking the specific
3 actions set forth below:

4 A. Within [Number] of calendar days of the effective date of this Order [Detailed description
5 of how the facility must achieve and document compliance (mirroring the Documenting
6 Compliance provisions of the relevant Notice of Violation). Appropriate documentation
7 includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical
8 drawings, permits or any other document(s) necessary to establish compliance.]

9 **IV. RIGHT TO HEARING**

10 [Name of Responsible Party] has a right to a hearing before an administrative law judge to contest
11 this Order. [Name of Responsible Party] may request a hearing, provided such request is made
12 within thirty (30) calendar days of receipt of this Order. A request for hearing must be in writing and
13 must specifically identify those portions of this Order which are contested. To request a hearing,
14 submit a letter that specifically identifies those portions of the Order being contested to the following
15 address:

16 Arizona Department of Environmental Quality
17 Office of Special Counsel
18 Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

19 **V. ENFORCEMENT OF ORDER**

20 This Order becomes final and enforceable in superior court within thirty (30) calendar days of
21 receipt, unless a hearing is properly requested as set forth above. As a result, the effective date of
22 this Order is thirty (30) calendar days from the date of receipt, or if this Order is appealed as set forth
23 above, the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

24 **VI. VIOLATION OF ORDER**

25 Failure to comply with this Order once effective may subject [Name of Responsible Party] to further
26 administrative or judicial sanctions including, but not limited to, significant civil penalties under
27 A.R.S. § [49-262, 49-463, 49-783, 49-861, 49-924, or 49-1013].
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VII. CORRESPONDENCE

All invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance or required by this Order must be mailed or hand delivered to the following address:

Arizona Department of Environmental Quality
[ADEQ Division]
Attention: [ADEQ Contact and Title]
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

Any such correspondence shall be deemed submitted when received by the ADEQ at the above address.

VIII. RESERVATION OF RIGHTS

By issuing this Order the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, any rule, permit, or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this ____ day of _____, 200__.

[Name of Division Director/Regional Office Manager], [Director/Manager]
[Air Quality/Water Quality/Waste Programs Division/Northern/Southern/Regional Office]
Arizona Department of Environmental Quality

1 **ORIGINAL** of the foregoing Compliance Order was sent certified mail, return receipt requested,
2 this ____ day of _____, 200_, to:

3 [Name of Responsible Party]

4 [Address of Responsible Party]

5 **COPY** of the foregoing Compliance Order was filed this ____ day of _____, 200_, with:

6 Arizona Department of Environmental Quality

7 Office of Special Counsel

8 Attention: Lavonne Watkins, Hearing Administrator

9 1110 West Washington Street

10 Phoenix, Arizona 85007-2935

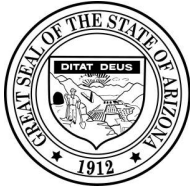
11 **COPIES** of the foregoing Compliance Order were sent by regular/interdepartmental mail, this ____
12 day of _____, 200_, to the following:

13 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

14 [Program Manager(s), ADEQ]

15 [County Health Department]

16 [Environmental Protection Agency]



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007-2935
(602) 771-2300 • www.adeq.state.az.us



Jacqueline E. Schafer
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Compliance Status
[Facility Name], [Facility Identification Number]
[Address or other location information]

Dear [Prefix] [Attention Last Name]:

The purpose of this letter is to inform you that the Arizona Department of Environmental Quality (ADEQ) has not received a response to the enclosed correspondence. As a result, ADEQ is requesting submittal of an appropriate response to the enclosed within 30 calendar days of receipt of this letter. Failing to adequately respond to this letter may result in escalated enforcement by ADEQ.

The documentation requested above will be deemed submitted when received by the ADEQ at the following address:

Arizona Department of Environmental Quality
Attention: [ADEQ Contact Name]
[Unit]
[Contact Address]

If you believe this letter has been sent in error or have any questions, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number]. Your cooperation in this matter is greatly appreciated.

Sincerely,

[ADEQ Unit Manager], Manager
[Unit]

[ADEQ Contact]
[Unit]

Enclosure

cc: [cc list]

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Printed on recycled paper



**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

CONSENT ORDER

[Name of Facility] located at [Street Address
of Facility] [City where Facility Located],
[County where Facility Located], Arizona

Docket No. _____

[ADEQ Identification Number for Facility]

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name
of Facility] located at [Street Address of Facility], [City where Facility Located], [County where
Facility Located], Arizona.

RECITALS

[Name of Responsible Party] acknowledges that no promise of any kind or nature
whatsoever, was made to induce [him/her/it] to enter into this Consent Order, and [Name of
Responsible Party] has done so voluntarily.

[Name of Responsible Party] acknowledges that by entering into this Consent Order, it
does not resolve any liability it may have for civil penalties for violations of any State or Federal
environmental law.

By entering into this Consent Order, [Name of Responsible Party] does not admit to any
civil or criminal liability, or waive any right including but not limited to the assertion of any
defense available to [Name of Responsible Party] under applicable law. Further, [Name of
Responsible Party] does not admit, and both the Arizona Department of Environmental Quality
("ADEQ") and [Name of Responsible Party] retain the right to controvert in any subsequent
proceeding except a proceeding to implement or enforce this Consent Order, the validity of any
Findings of Fact or Conclusions of Law contained in this Consent Order.

Initial _____

1 The undersigned representative of [Name of Responsible Party] certifies that [he/she] is
2 fully authorized to execute this Consent Order on behalf of [Name of Responsible Party] and to
3 legally bind [Name of Responsible Party] to this Consent Order.

4 [Name of Responsible Party] admits to the jurisdiction of the Director of ADEQ.

5 [Name of Responsible Party] consents to the terms and entry of this Consent Order and
6 agrees not to contest the validity or terms of this Consent Order in any subsequent proceeding.

7 **THEREFORE, IT IS HEREBY ORDERED** as follows:

8 **I. JURISDICTION**

9 A. The Director of ADEQ has jurisdiction over the subject matter of this action and
10 is authorized to issue this Consent Order pursuant to the Arizona Revised Statutes ("A.R.S.") §
11 [49-261, 49-334, 49-354, 49-461, 49-781, 49-812, 49-862, 49-923, 49-964, or 49-1013].

12 B. The Director of ADEQ has personal jurisdiction over [Name of Responsible
13 Party].

14 **II. FINDINGS**

15 **THE DIRECTOR HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND**
16 **CONCLUSIONS OF LAW:**

17 A. Findings of Fact

18 [List of facts that are the basis for the Consent Order]

19 B. Conclusions of Law

20 [List of violations, including the legal citations, related to the Findings of Fact]

21 **III. COMPLIANCE SCHEDULE**

22 **THE DIRECTOR HEREBY ORDERS** and [Name of Responsible Party] agrees to comply with
23 the provisions of this Consent Order as follows:

24 [List of compliance requirements and agreed upon deadlines for completion]

25 **IV. STATUS REPORTS**

26 A. [Name of Responsible Party] agrees to submit a written status report to ADEQ
27 every thirty (30) calendar days beginning thirty (30) days from the effective date of this Consent
28

1 Order, until termination of this Consent Order. Each written status report shall describe what
2 measures have been taken under Section III, of this Consent Order, and shall certify when
3 compliance with the requirements of Section III of this Order has been achieved. Each report
4 shall be accompanied by evidence of compliance including, as appropriate, submittal of
5 documents, photographs or copies of any other supporting information that [Name of Responsible
6 Party] deems necessary.

7 B. ADEQ will review the status reports and relay any disputes in writing to [Name
8 of Responsible Party]. [Name of Responsible Party] shall incorporate all required modifications,
9 changes or other alterations, as requested by ADEQ, within a reasonable time specified by ADEQ.

10 **V. VIOLATIONS OF ORDER**

11 Failure to comply with this Consent Order may subject [Name of Responsible Party] to
12 a judicial enforcement action and civil penalties under A.R.S. § [49-262, 49-463, 49-783, 49-861,
13 49-924, or 49-1013 -- IF NO AUTHORITY LISTED, OMIT THIS SECTION].

14 **VI. COMPLIANCE WITH OTHER LAWS**

15 A. This Consent Order does not encompass issues regarding releases, contamination,
16 sources, operations, facilities or processes not expressly covered by the terms of this Consent
17 Order, and is without prejudice to the rights of the State of Arizona or [Name of Responsible
18 Party], arising under any federal or Arizona environmental statutes and rules with regard to such
19 issues.

20 B. Nothing in this Consent Order shall constitute a permit of any kind, or a
21 modification of any permit of any kind, or an agreement to issue a permit of any kind under
22 federal, state or local law, or relieve [Name of Responsible Party] in any manner of [his/her/its]
23 obligation to apply for, obtain, and comply with all applicable permits. Nothing in this Consent
24 Order shall in any way alter, modify or revoke federal, state, or local law, or relieve [Name of
25 Responsible Party] in any manner of [his/her/its] obligation to comply with such laws.
26 Compliance with the terms of this Consent Order shall not be a defense to any action to enforce
27 any such permits or laws.

1 **VII. FORCE MAJEURE**

2 A. [Name of Responsible Party] shall perform all the requirements of this Consent
3 Order according to the time limits set forth herein, unless performance is prevented or delayed
4 by events which constitute a *force majeure*. *Force majeure*, for the purposes of this Consent
5 Order, is defined as any event, arising from causes beyond the control of [Name of Responsible
6 Party] or its authorized representatives which delays or prevents the performance of any
7 obligation under this Consent Order and which could not have been overcome or prevented by
8 [Name of Responsible Party]. The financial inability of [Name of Responsible Party] to comply
9 with the terms of this Consent Order, shall not constitute a *force majeure*.

10 B. In the event of a *force majeure*, the time for performance of the activity affected
11 by the *force majeure* shall be determined by ADEQ and extended for a period no longer than the
12 delay caused by the *force majeure*. The time for performance of any activity dependent on the
13 delayed activity shall be similarly extended. In the event of a *force majeure*, [Name of
14 Responsible Party] shall notify ADEQ in writing within five (5) calendar days after [Name of
15 Responsible Party] or [his/her/its] agents become aware of the occurrence. The written notice
16 provided to ADEQ shall describe in detail the event, the anticipated delay, the measures taken and
17 to be taken by [Name of Responsible Party] to prevent or minimize delay, and a proposed
18 timetable under which those measures will be implemented. [Name of Responsible Party] shall
19 take all reasonable measures to prevent or minimize any delay caused by the *force majeure*.
20 Failure of [Name of Responsible Party] to comply with any requirements of this paragraph for a
21 particular event, shall preclude [Name of Responsible Party] from asserting any claim of *force*
22 *majeure* for that event.

23 **VIII. SITE ACCESS**

24 ADEQ may at any time, upon presentation of credentials to authorized personnel on duty,
25 enter upon the premises at the Facility for the purpose of observing and monitoring compliance
26 with the provisions of this Consent Order. This right of entry shall be in addition to, and not in
27 limitation of or substitution for, ADEQ's rights under applicable law.

1 **IX. CORRESPONDENCE**

2 All documents, materials, plans, notices, or other items submitted as a result of this
3 Consent Order shall be transmitted to the addresses specified below:

4 To ADEQ:

5 Arizona Department of Environmental Quality
6 [ADEQ Division]
7 Attention: [ADEQ Contact and Title]
8 1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

9 To [Name of Responsible Party]:

10 [Name of Responsible Party or Designee]
11 [Address of Responsible Party or Designee]
[Telephone Number of Responsible Party or Designee]

12 Submissions to ADEQ as a result of this Consent Order shall be deemed submitted upon receipt.

13 **X. RESERVATION OF RIGHTS**

14 A. This Consent Order is based solely upon currently available information. If
15 additional information is discovered, which indicates that the actions taken under this Consent
16 Order are or will be inadequate to protect human health, safety, or the environment, or to conform
17 with applicable federal or state laws, ADEQ shall have the right to require further action.

18 B. ADEQ shall have the right: to pursue civil penalties for violations of any and all
19 violations of A.R.S. Title 49, or the rules promulgated thereunder, occurring before entry of this
20 Consent Order; to disapprove of work performed by [Name of Responsible Party] that fails to
21 comply with this Consent Order; to take enforcement action for any and all violations of this
22 Consent Order; and to take enforcement action for any and all violations of A.R.S. Title 49, or
23 the rules promulgated thereunder, occurring after the entry of this Consent Order.

24 C. With respect to the terms and conditions of this Consent Order, [Name of
25 Responsible Party] waives all rights to the informal appeals process as described in A.R.S. § 49-
26 1091, including an informal appeal of an approval, disapproval, or evaluation within the
27 discretion of ADEQ. [UST ONLY - OMIT IF NOT A UST CONSENT ORDER]

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XI. SEVERABILITY

The provisions of this Consent Order are severable. If any provision of this Consent Order is declared by a court of law to be invalid or unenforceable, all other provisions of this Consent Order shall remain in full force and effect.

XII. MODIFICATIONS

Any modifications of this Consent Order shall be in writing and must be approved by both [Name of Responsible Party] and ADEQ.

XIII. EFFECTIVE DATE

The effective date of this Consent Order shall be the date this Consent Order is signed by ADEQ and [Name of Responsible Party]. If such signatures occur on different dates, the later date shall be the effective date of this Consent Order.

XIV. PARTIES BOUND

No change in ownership, corporate status, or partnership status relating to the subject of this Consent Order will in any way alter the responsibilities of [Name of Responsible Party] under this Consent Order. [Name of Responsible Party] will be responsible, and will remain responsible, for carrying out all activities required under this Consent Order.

XV. TERMINATION

The provisions of this Consent Order shall be deemed satisfied and this Consent Order shall be terminated upon receipt of written notification from ADEQ that [Name of Responsible Party] has demonstrated, to the satisfaction of ADEQ, that all of the terms of this Consent Order have been completed. ADEQ reserves the right to terminate this Consent Order unilaterally at any time for any reason.

ISSUED this ____ day of _____, 200__.

[Name of Division Director/Regional Office Manager], [Director/Manager]
[Air Quality/Water Quality/Waste Programs Division/Northern/Southern/Regional Office]
Arizona Department of Environmental Quality

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CONSENT TO ORDER

The undersigned, on behalf of [Name of Responsible Party/Facilty], hereby acknowledges that [he/she] has read the foregoing Consent Order in its entirety, agrees with the statements made therein, consents to its entry and issuance by the Arizona Department of Environmental Quality, agrees that [Name of Responsible Party] will abide by the same and waive any right to appeal therefrom.

DATED this ____ day of _____, 200__.

[Signatory for Responsible Party]
[Title of Signatory]

1 **ORIGINAL** of the foregoing Consent Order was filed this ____ day of _____, 200__,
2 with:

3 Lavonne Watkins, Hearing Administrator
4 Office of Special Counsel
5 Arizona Department of Environmental Quality
6 1110 West Washington Street
7 Phoenix, Arizona 85007-2935

8 **COPY** of the foregoing Consent Order was sent certified mail, return receipt requested, this
9 ____ day of _____, 200__, to:

10 [Name of Responsible Party]
11 [Address of Responsible Party]
12

13 **COPIES** of the foregoing Consent Order were sent by regular/interdepartmental mail, this
14 ____ day of _____, 200__, to the following:

15 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

16 [Program Manager(s), ADEQ]

17 [County Health Department]

18 [Environmental Protection Agency]
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**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

**REVOCATION OF PERMIT
[OR LICENSE]**

[Name of Facility] located at [Street Address
of Facility] [City where Facility Located],
[County where Facility Located], Arizona

Docket No. _____

[ADEQ Identification Number for Facility]
[Permit/License Number]

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name
of Facility] located at [Street Address of Facility], [City where Facility Located], [County where
Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined that
[Name of Responsible Party] is in violation of the Arizona Revised Statutes ("A.R.S."), the rules
adopted pursuant to the A.R.S., or the permit/license issued pursuant to the A.R.S. As a result, the
Director is hereby revoking [Permit/Licence Description].

I. AUTHORITY

The Director is authorized to revoke [Permit/Licence Description] pursuant to A.R.S. § [49-155(D),
49-245(B), 49-245.01(B), 49-245.02(B), 49-247(G), 49-287.05(C), 49-309(A), 49-333(D), 49-432,
49-441, 49-457(K), 49-546(F), 49-771(B), 49-782(A), 49-924(C), 49-1082(D) or Permit #]

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following
provisions set forth in the A.R.S., the Arizona Administrative Code (A.A.C.), or the ADEQ issued
permit/license:

A. [A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order
#/Order Section/Judgment #/Judgment Section]
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

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III. REVOCATION

This revocation becomes final within thirty (30) calendar days of receipt, unless a hearing is properly requested as set forth below. As a result, the effective date of this revocation is thirty (30) calendar days from the date of receipt, or if this revocation is appealed as set forth below, the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

IV. RIGHT TO HEARING

[Name of Responsible Party] has a right to a hearing before an administrative law judge to contest this revocation. [Name of Responsible Party] may request a hearing, provided such request is made within thirty (30) calendar days of receipt of this revocation. A request for hearing must be in writing and must specifically identify those portions of this revocation which are contested. To request a hearing, submit a letter that specifically identifies those portions of the revocation being contested to the following address:

Arizona Department of Environmental Quality
Office of Special Counsel
Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

V. RESERVATION OF RIGHTS

By issuing this revocation the Arizona Department of Environmental Quality does not waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona Revised Statutes, any rule, permit/license, or order promulgated or issued thereunder, or any other applicable environmental statute or legal authority.

ISSUED this ____ day of _____, 200__.

[Name of Division Director], Director
[Air Quality/Water Quality/Waste Programs] Division
Arizona Department of Environmental Quality

1 **ORIGINAL** of the foregoing revocation was sent certified mail, return receipt requested, this ____
2 day of _____, 200_, to:

3 [Name of Responsible Party]

4 [Address of Responsible Party]

5 **COPY** of the foregoing revocation was filed this ____ day of _____, 200_, with:

6 Arizona Department of Environmental Quality

7 Office of Special Counsel

8 Attention: Lavonne Watkins, Hearing Administrator

9 1110 West Washington Street

10 Phoenix, Arizona 85007-2935

11 **COPIES** of the foregoing revocation were sent by regular/interdepartmental mail, this ____ day of
12 _____, 200_, to the following:

13 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

14 [Program Manager(s), ADEQ]

15 [County Health Department]

16 [Environmental Protection Agency]



**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

**SUSPENSION OF PERMIT
[OR LICENSE]**

[Name of Facility] located at [Street Address
of Facility] [City where Facility Located],
[County where Facility Located], Arizona

Docket No. _____

[ADEQ Identification Number for Facility]
[Permit/License Number]

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name
of Facility] located at [Street Address of Facility], [City where Facility Located], [County where
Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined that
[Name of Responsible Party] is in violation of the Arizona Revised Statutes ("A.R.S."), the rules
adopted pursuant to the A.R.S., or the permit/license issued pursuant to the A.R.S. As a result, the
Director is hereby suspending [Permit/Licence Description] for a period of [Length of Suspension].

I. AUTHORITY

The Director is authorized to suspend [Permit/Licence Description] pursuant to A.R.S. § [49-155(D),
49-245(B), 49-245.01(B), 49-245.02(B), 49-247(G), 49-287.05(C), 49-309(A), 49-333(D), 49-432,
49-441, 49-457(K), 49-546(F), 49-771(B), 49-782(A), 49-924(C), 49-1082(D) or Permit #]

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following
provisions set forth in the A.R.S., the Arizona Administrative Code (A.A.C.), or the ADEQ issued
permit/license:

1. [A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order
#/Order Section/Judgment #/Judgment Section]
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

1 **III. SUSPENSION**

2 This suspension becomes final within thirty (30) calendar days of receipt, unless a hearing is properly
3 requested as set forth below. As a result, this [Length of Suspension] suspension begins thirty (30)
4 calendar days from the date of receipt of this notice; or if this suspension is appealed as set forth
5 below, the suspension begins on the date that [Name of Responsible Party] receives the Director's
6 final decision on the appeal.

7 **IV. RIGHT TO HEARING**

8 [Name of Responsible Party] has a right to a hearing before an administrative law judge to contest
9 this suspension. [Name of Responsible Party] may request a hearing, provided such request is made
10 within thirty (30) calendar days of receipt of this suspension. A request for hearing must be in
11 writing and must specifically identify those portions of this suspension which are contested. To
12 request a hearing, submit a letter that specifically identifies those portions of the suspension being
13 contested to the following address:

14 Arizona Department of Environmental Quality
15 Office of Special Counsel
16 Attention: Lavonne Watkins, Hearing Administrator
1110 West Washington Street
Phoenix, Arizona 85007-2935

17 **V. RESERVATION OF RIGHTS**

18 By issuing this suspension the Arizona Department of Environmental Quality does not waive its right
19 to seek appropriate penalties or injunctive relief in superior court for violations of the Arizona
20 Revised Statutes, any rule, permit/license, or order promulgated or issued thereunder, or any other
21 applicable environmental statute or legal authority.

22
23 **ISSUED** this ____ day of _____, 200__.

24
25 _____
26 [Name of Division Director], Director
[Air Quality/Water Quality/Waste Programs] Division
27 Arizona Department of Environmental Quality
28

1 **ORIGINAL** of the foregoing suspension was sent certified mail, return receipt requested, this ____
2 day of _____, 200_, to:

3 [Name of Responsible Party]

4 [Address of Responsible Party]

5 **COPY** of the foregoing suspension was filed this ____ day of _____, 200_, with:

6 Arizona Department of Environmental Quality

7 Office of Special Counsel

8 Attention: Lavonne Watkins, Hearing Administrator

9 1110 West Washington Street

10 Phoenix, Arizona 85007-2935

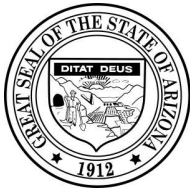
11 **COPIES** of the foregoing suspension were sent by regular/interdepartmental mail, this ____ day of
12 _____, 200_, to the following:

13 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

14 [Program Manager(s), ADEQ]

15 [County Health Department]

16 [Environmental Protection Agency]



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Jacqueline E. Schafer
Director

[Date]

Case ID #:[Case ID #]

[Facility Owner/Facility Operator]

Attention: [Attention First Name] [Attention Last Name]

[Address]

[City, State, Zip]

Subject: Closure of the [NOC Issue Date] Notice of Opportunity to Correct Deficiencies

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has closed the Notice of Opportunity to Correct (NOC) issued to [Facility Owner/Facility Operator] on [NOC Issue Date]. By closing the NOC, ADEQ has determined that [Facility Owner/Facility Operator] is in substantial compliance. This determination is based solely upon a finding that the deficiencies have been corrected as requested within the NOC.

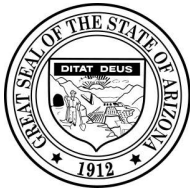
ADEQ will not proceed with further action at this time. However, if additional information regarding the alleged violations is discovered, or if further violations occur, ADEQ may reconsider its position and take additional action as appropriate and as allowed by law.

Thank you for your efforts to comply with the Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

[ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]



Jane Dee Hull
Governor

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Jacqueline E. Schafer
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Opportunity to Correct Deficiencies
[Facility Name], [Facility Identification Number]
[Address or other location information]

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name] may be in violation of Arizona's environmental requirements. The purpose of this letter is to allow you an opportunity to correct these deficiencies without enforcement by ADEQ. An ADEQ inspection of the facility conducted on [Inspection Date] revealed the following:

1. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section]**
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

Please review the above and submit a written response within [Number less than 180] calendar days of receipt of this letter to:

Arizona Department of Environmental Quality
Attention: [ADEQ Contact Name]
[Unit]
[Contact Address]

To establish compliance, your response must include the corrective actions that have been taken, along with appropriate documentation. Appropriate documentation includes invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits and any other document necessary to establish that the above deficiencies have been resolved.

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[Facility Name]
[Date]

Page [Page]

ADEQ may verify compliance by on-site inspection or other appropriate means. Within 30 days of receipt of your response to this letter, ADEQ will notify you whether the facility is in substantial compliance.

ADEQ may initiate enforcement for the above deficiencies if they are not corrected in a timely manner as described within this letter. If these deficiencies are corrected within the time frames in this letter, no enforcement will be taken by ADEQ.

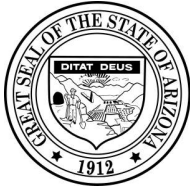
Although ADEQ has the authority to issue appealable administrative orders compelling compliance, this letter has no such force or effect. Your point of contact for resolution of these deficiencies will be [ADEQ Contact] who can be reached at [ADEQ Contact Phone Number] . Please contact him/her if you have any questions about this letter or need additional guidance.

Sincerely,

[ADEQ Unit Manager], Manager
[Unit]

[ADEQ Contact]
[Unit]

cc: [cc list]



Jane Dee Hull
Governor

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Jacqueline E. Schafer
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]

Attention: [Attention]

[Address]

[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name] has violated Aquifer Protection Permit # [APP Permit #]. The alleged violations listed in the attached table were identified on a Self-Monitoring Report Form (SMRF) received by ADEQ on [SMRF received date].

I. DOCUMENTING COMPLIANCE

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit [Detailed description of how the facility must either: 1) document that the violation never occurred; or 2) document that compliance has been achieved. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

II. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality
Attention: [ADEQ Contact Name]
[Unit]
[Contact Address]

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

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III. STATEMENT OF CONSEQUENCES

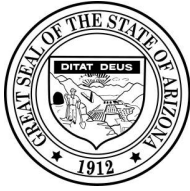
1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violations alleged in this Notice as allowed by law.

IV. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

[ADEQ Unit Manager], Manager
[Unit]

Attachment



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Jacqueline E. Schafer
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]

Attention: [Attention]

[Address]

[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name], has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during [an inspection of the facility conducted on/a review of the facility's file completed on/ a review of a report from the facility received on] [date].

I. LEGAL AUTHORITY and NATURE OF ALLEGED SIGNIFICANT VIOLATION(S)

1. [A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section]
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

II. LEGAL AUTHORITY and NATURE OF OTHER ALLEGED VIOLATION(S)

1. [A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section]
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

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III. DOCUMENTING COMPLIANCE

Significant Violations

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit [Detailed description of how the facility must either: 1) document that the violation never occurred; or 2) document that compliance has been achieved. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

Other Violations

2. Within [Number less than 180] calendar days of receipt of this Notice, please submit a written response describing the corrective actions that have been taken to resolve the violations alleged in Section II, along with appropriate documentation. Appropriate documentation includes invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits and any other document necessary to establish that the violations have been resolved.

IV. SUBMITTING COMPLIANCE DOCUMENTATION

1. Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality
Attention: [ADEQ Contact Name]
[Unit]
[Contact Address]

2. Within 30 calendar days of receipt of the compliance documentation for the violation(s) alleged in Section II of this Notice, ADEQ will provide written notification as to whether the associated violation(s) have been corrected.

V. STATEMENT OF CONSEQUENCES

Significant Violations

1. The time frames within this Notice for achieving and documenting compliance for the violation(s) alleged in Section I of this Notice are firm limits. Failure to achieve or document compliance for the violation(s) alleged in Section I of this Notice within the time frames established in this Notice will result in an

administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames for achieving and documenting compliance for the violation(s) alleged in Section I of this Notice only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.

2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in Section I of this Notice as allowed by law.

Other Violations

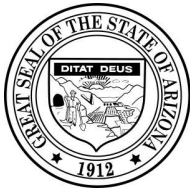
3. ADEQ may take any enforcement action authorized by law for the violation(s) alleged in Section II of this Notice, if the violation(s) are not corrected, or if ADEQ determines that the violation(s) have not been corrected in the time frames within this Notice.

VI. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

[ADEQ Unit Manager], Manager
[Unit]

[ADEQ Contact]
[Unit]



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Jacqueline E. Schafer
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]

Attention: [Attention]

[Address]

[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name], has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during [an inspection of the facility conducted on/a review of the facility's file completed on/a review of a report from the facility received on] [date].

I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. **[A.R.S. Citation/A.A.C. Citation/C.F.R. Citation/Permit #/Permit Section/Order #/Order Section/Judgment #/Judgment Section]**
[Brief Legal Description of Violation]

[Factual Description of Violation(s)]

II. DOCUMENTING COMPLIANCE

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit [Detailed description of how the facility must either: 1) document that the violation never occurred; or 2) document that compliance has been achieved. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

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III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality
Attention: [ADEQ Contact Name]
[Unit]
[Contact Address]

IV. STATEMENT OF CONSEQUENCES

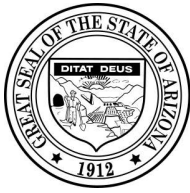
1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violations alleged in this Notice as allowed by law.

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

[ADEQ Unit Manager], Manager
[Unit]

[ADEQ Contact]
[Unit]



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Jacqueline E. Schafer
Director

[Date]

Case ID #:[Case ID #]

[Facility Owner/Facility Operator]

Attention: [Attention First Name] [Attention Last Name]

[Address]

[City, State, Zip]

Subject: Closure of the [NOV Issue Date] Notice of Violation

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has closed the Notice of Violation (NOV) issued to [Facility Owner/Facility Operator] on [NOV Issue Date]. ADEQ has closed the NOV based upon its determination that [Facility Owner/Facility Operator] has met the *Documenting Compliance* provisions of the NOV.

ADEQ will not proceed with further action at this time. However, if additional information regarding the alleged violations is discovered, or if further violations occur, ADEQ may reconsider its position and take additional action as appropriate and as allowed by law.

Thank you for your efforts to comply with the Arizona's environmental requirements. Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

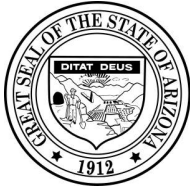
ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

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Jacqueline E. Schafer
Director

[Date]

Case ID #:[Case ID #]

[Facility Owner/Facility Operator]

Attention: [Attention First Name] [Attention Last Name]

[Address]

[City, State, Zip]

Subject: Closure of the [NOV Issue Date] Notice of Violation

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has closed the Notice of Violation (NOV) issued to [Facility Owner/Facility Operator] on [NOV Issue Date]. ADEQ has closed the NOV based upon its determination that [Facility Owner/Facility Operator] has met the *Documenting Compliance* provisions of the NOV.

Although the NOV has been closed, ADEQ reserves the right to take additional action, including seeking civil penalties for the violations alleged in the NOV. ADEQ will continue to keep you informed about whether it will pursue further action through monthly action update letters.

Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

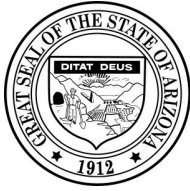
ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

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Jacqueline E. Schafer
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]
Attention: [Attention First Name] [Attention Last Name]
[Address]
[City, State, Zip]

Subject: Missed Notice of Violation Deadline
[Facility Name], [Facility Identification Number]
[Address or other location information]

Dear [Prefix] [Attention Last Name]:

The purpose of this letter is to request an informal meeting to discuss the unresolved violations alleged by the Arizona Department of Environmental Quality (ADEQ) in a Notice of Violation (NOV) dated [NOV Date] and received by you on [NOV Receipt Date]. ADEQ is asking for this meeting because the department has yet to receive the following compliance documentation as requested in the NOV:

<u>Compliance Documentation</u>	<u>Date Due</u>
1. [Compliance Documentation Requirement]	[Due Date]

ADEQ's Consent Order Negotiation Guidelines have been enclosed for your review. These guidelines describe ADEQ's administrative enforcement process, including the various options and deadlines for demonstrating compliance. ADEQ will be happy to answer any questions you have about this process during our meeting.

Please contact [ADEQ Contact Name] of my staff, at [ADEQ Contact Phone Number] immediately upon receipt of this letter to schedule a meeting. ADEQ still hopes to resolve these alleged violations with your input, but failing to contact ADEQ will result in the issuance of an administrative order requiring compliance within time frames specified by ADEQ.

Sincerely,

[ADEQ Unit Manager], Manager
[Unit]

Enclosure

cc: [cc list]

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ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF INSPECTION RIGHTS

FACILITY INFORMATION	ADEQ INFORMATION
Facility Name (Customer): _____	Date of Inspection: ____/____/____
Facility Location (Place): _____	County: _____
_____	Inspector: _____
Mailing Address: _____	Telephone: _____
_____	Accompanied by: _____
Responsible Party: _____	_____
Telephone: _____	ADEQ Follow-up Contact: _____
On-Site Representative: _____	_____
Title: _____	Title: _____
Telephone: _____	Telephone: _____

The ADEQ representative(s) identified above were present at the above address on the above listed date and time. Upon entry to the premises, the ADEQ representative(s) met with me, presented photo identification indicating that they are ADEQ employees and explained:

☐ That the purpose of the inspection is to determine:

[] Compliance with Title 49 of the Arizona Revised Statutes, Title 18 of the Arizona Administrative Code* and/or:

Arizona Revised Statutes: Title _____, Chapter _____, Article _____

Arizona Administrative Code: Title _____, Chapter _____, Article _____

Permit/Agreement Number: _____

[] Qualification for a license issued pursuant to:

Arizona Revised Statutes: § _____

Arizona Administrative Code: R _____

☐ That this inspection is conducted pursuant to the authority granted in Arizona Revised Statutes § 49-104(B)(8) and/or:

Arizona Revised Statutes: § _____

Arizona Administrative Code: R _____

Permit/Agreement Number : _____

☐ That the fee for this inspection is: _____

*The Arizona Revised Statutes (A.R.S.) can be found on the internet at www.azleg.state.az.us/ars/ars.htm while the Arizona Administrative Code (A.A.C.) can be found at www.sosaz.com/public_services/Table_of_Contents.htm

While I have the right to refuse to sign this form, the ADEQ representatives may still proceed with the inspection

[] I have read both sides of this notice and discussed any questions or concerns with the ADEQ representatives.

Signature of Regulated Person or Authorized On-Site Representative

Date

[] The regulated person or authorized on-site representative refused to sign.

Name of Regulated Person or Authorized On-Site Representative

Title

[] The regulated person or an authorized on-site representative was not present at the facility.

Signature of ADEQ Representative

Date

INSPECTION RIGHTS

- ☐ I understand that I can accompany the ADEQ representative(s) on the premises, except during confidential interviews.
- ☐ I understand that I have right to:
 - Copies of any original documents taken during the inspection, and that ADEQ will provide copies of those documents at ADEQ's expense.
 - A split of any samples taken during the inspection, if the split of the samples would not prohibit an analysis from being conducted or render an analysis inconclusive.
 - Copies of any analysis performed on samples taken during the inspection and that ADEQ would provide copies of this analysis at ADEQ's expense.
- ☐ I also understand that:
 - Each person interviewed during the inspection must be informed that statements made by the person may be included in the inspection report.
 - Each person whose conversation is tape recorded during the inspection must be informed that the conversation is being tape recorded.
 - If an administrative order is issued or a permit decision is made based on the results of the inspection, I have the right to appeal that administrative order or permit decision. I understand that my administrative hearing rights are set forth in Arizona Revised Statutes § 41-1092 *et seq.* and my rights relating to an appeal of a final agency decision are found in Arizona Revised Statutes § 12-901 *et seq.*
 - If I have any questions or concerns about this inspection, I may contact the person listed as the ADEQ Follow-up Contact on the front of this form; or I may contact the Arizona Ombudsman-Citizens' Aid office at (602) 277-7292 or toll free at (800) 872-2879.
 - If I have any questions concerning my rights to appeal an administrative order or permit decision, I may contact ADEQ's Office of Special Counsel at (602) 771-2212 or toll free inside Arizona at (800) 234-5677, extension 2212.



**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:) **TERMINATION OF [ABATEMENT/
[Identical Caption to Original Order]) COMPLIANCE/ CONSENT] ORDER**
) **Docket No. [Same as Original Order]**
)
)
_____)

TO: [Identical to Original Order]

The Arizona Department of Environmental Quality is hereby terminating
[Abatement/Compliance/Consent] Order, Docket No. [Docket Number], issued on [Date of Order].

The Order is being terminated for the following reason(s):

[State the factual reason(s) for terminating the Order].

ISSUED this _____ day of _____ 200_.

[Division Director], Director
[Air Quality/Waste Programs/Water Quality] Division
Arizona Department of Environmental Quality

1 **ORIGINAL** of the foregoing Termination of [Abatement/Compliance/Consent] Order was filed this
2 ____ day of _____, 200_ with:

3 Lavonne Watkins, Hearing Administrator
4 Office of Administrative Counsel
5 Arizona Department of Environmental Quality
6 1100 West Washington Street
7 Phoenix, Arizona 85007-2935

8 **COPY** of the foregoing Termination of [Abatement/Compliance/Consent] Order was sent certified
9 mail, return receipt requested, this ____ day of _____, 200_, to:

10 [Name of Responsible Party]
11 [Address of Responsible Party]

12 **COPIES** of the foregoing Termination of [Abatement/Compliance/Consent] Order were
13 sent by regular/interdepartmental mail this ____ day of _____, 200_, to:

14 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

15 [Program Manager(s), ADEQ]

16 [County Health Department]

17 [Environmental Protection Agency]

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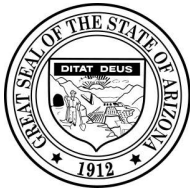
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Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007-2935
(602) 771-2300 • www.adeq.state.az.us



Jacqueline E. Schafer
Director

[Date]

Case ID #:[Case ID #]

[Facility Owner/Facility Operator]

Attention: [Attention First Name] [Attention Last Name]

[Address]

[City, State, Zip]

Subject: Closure of the [NOV Issue Date] Notice of Violation

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has closed the Notice of Violation (NOV) issued to [Facility Owner/Facility Operator] on [NOV Issue Date]. ADEQ has closed the NOV due to the submittal and approval of a State Assurance Fund Preapproval application and work plan.

Although the NOV has been closed, ADEQ reserves the right to take additional action, including seeking civil penalties for the violations alleged in the NOV. Furthermore, if compliance is not achieved through the preapproval process, ADEQ may initiate formal enforcement, including the issuance of a unilateral order requiring compliance within a reasonable time specified by ADEQ, or by filing of a civil action in superior court.

Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

ADEQ Unit Manager], Manager
[Unit]

cc: [cc list]

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Printed on recycled paper



**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

[Name of Facility] located at [Street Address
of Facility] [City where Facility Located],
[County where Facility Located], Arizona

[ADEQ Identification Number for Facility]

**ADMINISTRATIVE DECISION
FINDING VIOLATION OF
CONSENT ORDER AND
WITHHOLDING PAYMENT
FROM THE STATE
ASSURANCE FUND**

Docket No. _____

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name
of Facility] located at [Street Address of Facility], [City where Facility Located], [County where
Facility Located], Arizona.

RECITALS

The Director of the Arizona Department of Environmental Quality ("ADEQ") has determined
that [Name of Responsible Party] has violated Consent Order [Docket Number]. As a result, the
Director is withholding payment from the assurance account for those costs incurred for those
activities that are the direct subject of the violation.

I. AUTHORITY

The Director is authorized to withhold payment from the assurance account for those costs incurred
for those activities that are the direct subject of violation of a Consent Order pursuant to A.R.S. §
49-1052(F)(3)(c).

II. NATURE OF VIOLATIONS

The Director has reason to believe that [Name of Responsible Party] has violated the following
provisions set forth in Consent Order [Docket Number]:

- A. **[Order #/Order Section]**
[Brief Legal Description of Violation]
[Factual Description of Violation(s)]

1 **III. ASSURANCE ACCOUNT PAYMENT(S) WITHHELD**

2 **IT IS DETERMINED** that the following costs shall be withheld for the above-described violations:

3 [Detailed accounting of those costs that will be withheld as a result of the Consent Order violations]

4 **IV. RIGHT TO HEARING**

5 [Name of Responsible Party] has a right to a hearing before an administrative law judge to contest
6 this administrative decision. [Name of Responsible Party] may request a hearing, provided such
7 request is made within thirty (30) calendar days of receipt of this decision. A request for hearing
8 must be in writing and must specifically identify those portions of this decision which are contested.
9 To request a hearing, submit a letter that specifically identifies those portions of the decision being
10 contested to the following address:

11 Arizona Department of Environmental Quality
12 Office of Special Counsel
13 Attention: Lavonne Watkins, Hearing Administrator
14 1110 West Washington Street
15 Phoenix, Arizona 85007-2935

14 **V. FINAL ADMINISTRATIVE DECISION**

15 This administrative decision becomes final within thirty (30) calendar days of receipt, unless a
16 hearing is properly requested as set forth above. As a result, the effective date of this decision is
17 thirty (30) calendar days from the date of receipt, or if this decision is appealed as set forth above,
18 the date that [Name of Responsible Party] receives the Director's final decision on the appeal.

19 **VI. RESERVATION OF RIGHTS**

20 By issuing this administrative decision, the Arizona Department of Environmental Quality does not
21 waive its right to seek appropriate penalties or injunctive relief in superior court for violations of the
22 Arizona Revised Statutes, any rule, permit, or order promulgated or issued thereunder, or any other
23 applicable environmental statute or legal authority.

24 **ISSUED** this ___ day of _____, 200_.

25
26 _____
27 [Name of Division Director], Director
28 Waste Programs Division
Arizona Department of Environmental Quality

1 **ORIGINAL** of the foregoing administrative decision was sent certified mail, return receipt
2 requested, this ____ day of _____, 200_, to:

3 [Name of Responsible Party]

4 [Address of Responsible Party]

5 **COPY** of the foregoing administrative decision was filed this ____ day of _____, 200_, with:

6 Arizona Department of Environmental Quality

7 Office of Special Counsel

8 Attention: Lavonne Watkins, Hearing Administrator

9 1110 West Washington Street

10 Phoenix, Arizona 85007-2935

11 **COPIES** of the foregoing administrative decision were sent by regular/interdepartmental mail, this
12 ____ day of _____, 200_, to the following:

13 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

14 [Program Manager(s), ADEQ]

APPENDIX B30



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY INCIDENT/SPILL REPORT FORM

Report Taken By:	Phone #:	Date Reported:	Time Reported:
ERU #:	AZSERC #:	NRC #:	Provisional I.D. #:
Other Agencies Notified:			

CALLER INFORMATION:

Caller Name:	Title:	Organization:	Address:
Phone #:	Incident Date:	Incident Time:	Other:

POTENTIAL RESPONSIBLE PARTY INFORMATION:

Potential Responsible Party Name:		Type of Operation:		
Address:	City:	County:	State:	Zip Code:
Phone #:	2 nd Phone #:	Other:		

INCIDENT LOCATION/INFORMATION:

Site Location Description/Directions:				
Street Address:	City:	County:	State:	Zip Code:
GPS Coordinates:	Highway # & Milepost #		Railroad Milepost #	
Distance to Sensitive Environment/Population (Describe):				

INCIDENT DESCRIPTION:

Incident Type\Description:
Incident Source:
Incident Cause:
Affected Media (air, soil, water); Extent, Body of Water Name
Witnesses:

MATERIALS INVOLVED:

Material Name:	CAS #:	Physical State:	Container Type:	Quantity :	Units:

DAMAGE DESCRIPTION:

Responding OSC:	Responsible for Cleanup:	Referred To:
# of Injuries:	# of Deaths:	Property Damage in \$:
Evacuation Zone:		
Remedial Action:		
Environmental Consultant/Cleanup Contractor (Name and Address):		

ADDITIONAL DETAILS/COMMENTS:

Program Proposed to be Assigned:	
Date Assigned:	Program Assigned:
Assigned by:	

APPENDIX B31

To be included in the cover letter to a Notice of Violation for a spill:

Also enclosed is a brief description of ADEQ's Voluntary Remediation Program (VRP) for your review and consideration. Participation in the VRP is another option for resolving the spill-related violations alleged in the Notice of Violation. Acceptance into the VRP will result in ADEQ immediately closing the spill-related violations alleged in the Notice of Violation. If the NOV is closed, ADEQ will not pursue clean up of the spill through enforcement (but may still pursue civil penalties). Successful completion of remedial activities under the VRP (i.e., through receipt of a no further action or conditional no further action determination), though, will significantly reduce any civil penalties sought by ADEQ. Participation in the VRP is entirely voluntary. Choosing not to participate will in no way influence ADEQ's future actions with respect to the spill.

APPENDIX B32



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) VOLUNTARY REMEDIATION PROGRAM (VRP)

Voluntary Remediation Program (VRP) Overview:

The Voluntary Remediation Program (VRP) provides parties with an avenue to remediate contaminated sites in cooperation with ADEQ. The VRP has undergone substantial changes over the past few years. Specifically, a new prescriptive statute became effective July 18, 2000, and new interim fee rule became effective February 9, 2001. Upon successful completion of remediation activities the VRP will issue a No Further Action (NFA) or Conditional No Further Action (CNFA) determination for a site or portion of a site.

Who is eligible?

In general, a site is **INELIGIBLE** if:

1. It is subject to corrective action or closure, and has a hazardous waste permit or qualifies for hazardous waste interim status;
2. It is subject to an existing written agreement between the applicant and ADEQ, an administrative order issued by ADEQ, or a judicial judgment or decree;
3. Prior to submitting the VRP application, a judicial action was filed and served by the state;
4. It is located in a WQARF boundary area and wishes to address the WQARF contaminants of concern through VRP participation, or is listed on the WQARF Registry;
5. It has a release in violation of a permit subject to Title 49 of the Arizona Revised Statutes; or
6. It is a UST corrective action site where State Assurance Fund reimbursement will be sought.

What are the fees?

Fees include:

1. Non-refundable application fee of \$2,000, which is also credited toward reimbursements if the site is accepted;
2. Hourly reimbursable rate of \$110 for review and oversight;
3. An initial deposit of \$4,000 submitted with work plan or reports; and
4. At any time should the account fall below \$1,000, an additional advance deposit of \$4,000 will be required to continue work.

How do I apply?

A downloadable application is available on the ADEQ website at:
www.adeq.state.az.us/environ/waste/capdev/voluntary

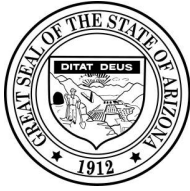
What documents should I review in order to obtain more detailed information?

1. A.R.S. §§ 49-171 through 188 (www.azleg.state.az.us/ars/49/title49.htm); and
2. A.A.C. R18-7-501 through 507 (www.sosaz.com/public_services/Table_of_Contents.htm).

Who do I contact if I have further questions?

ADEQ Waste Programs Division, Voluntary Remediation Program at (602) 771-4398 or toll free in Arizona at (800) 234-5677, extension 4398.

APPENDIX B33



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007-2935
(602) 771-2300 • www.adeq.state.az.us



Jacqueline E. Schafer
Director

[Date]

Case ID #:[Case ID #]

[Facility Owner/Facility Operator]

Attention: [Attention First Name] [Attention Last Name]

[Address]

[City, State, Zip]

Subject: Closure of the [NOV Issue Date] Notice of Violation

Dear [Prefix] [Attention Last Name]:

The Arizona Department of Environmental Quality (ADEQ), has closed the Notice of Violation (NOV) issued to [Facility Owner/Facility Operator] on [NOV Issue Date]. ADEQ has closed the NOV based upon acceptance of the site into the Voluntary Remediation Program (VRP).

Although the NOV has been closed, ADEQ reserves the right to take additional action, including seeking civil penalties for the violations alleged in the NOV. Any penalties sought, though, will be significantly reduced by a no further action determination or conditional no further action determination made under the VRP. Should the approved VRP application be terminated or withdrawn, ADEQ will pursue escalated enforcement, which may include seeking civil penalties with no reduction. ADEQ will continue to keep you informed about whether it will pursue further action through monthly action update letters.

Should you have any comments or questions regarding this matter, please do not hesitate to contact me at [ADEQ Unit Manager Phone Number].

Sincerely,

ADEQ Unit Manager], Manager
[Unit]

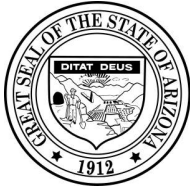
cc: [cc list]

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

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APPENDIX B34



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007-2935
(602) 771-2300 • www.adeq.state.az.us



Jacqueline E. Schafer
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #:[Case ID #]

[Date]

[Facility Owner/Facility Operator]

Attention: [Attention]

[Address]

[City, State, Zip]

Subject: [Facility Name], [Facility Identification Number]
[Address or other location information]

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ), has reason to believe that [Facility owner/Facility operator] as the owner/operator of [Facility name] has violated Aquifer Protection Permit # [APP Permit #]. ADEQ did not receive the [Reporting Frequency] Self-Monitoring Report Form (SMRF) within 30 days after the date due, which was [SMRF due date].

I. DOCUMENTING COMPLIANCE

1. Within [Number less than 120] calendar days of receipt of this Notice, please submit [Detailed description of how the facility must either: 1) document that the violation never occurred; or 2) document that compliance has been achieved. Appropriate documentation includes: invoices, photographs, logs, laboratory analyses, sealed engineering plans, technical drawings, permits or any other document(s) necessary to establish compliance.]

II. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality
Attention: [ADEQ Contact Name]
[Unit]
[Contact Address]

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

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III. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violations alleged in this Notice as allowed by law.

IV. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact [ADEQ Contact Name] at [ADEQ Contact Phone Number].

[ADEQ Unit Manager], Manager
[Unit]

APPENDIX B35



**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

[Name of Facility] located at [Street Address
of Facility] [City where Facility Located],
[County where Facility Located], Arizona

[ADEQ Identification Number for Facility]

**CONSENT ORDER
WITH CIVIL
ADMINISTRATIVE PENALTY**

Docket No. _____

To: [Name of Responsible Party] in [his/her/its] capacity as [owner and/or operator] of [Name
of Facility] located at [Street Address of Facility], [City where Facility Located], [County where
Facility Located], Arizona.

RECITALS

[Name of Responsible Party] acknowledges that no promise of any kind or nature
whatsoever, was made to induce [him/her/it] to enter into this Consent Order, and [Name of
Responsible Party] has done so voluntarily.

By entering into this Consent Order, [Name of Responsible Party] does not admit to any
civil or criminal liability, or waive any right including but not limited to the assertion of any
defense available to [Name of Responsible Party] under applicable law. Further, [Name of
Responsible Party] does not admit, and both the Arizona Department of Environmental Quality
("ADEQ") and [Name of Responsible Party] retain the right to controvert in any subsequent
proceeding except a proceeding to implement or enforce this Consent Order, the validity of any
Findings of Fact or Conclusions of Law contained in this Consent Order.

The undersigned representative of [Name of Responsible Party] certifies that [he/she] is
fully authorized to execute this Consent Order on behalf of [Name of Responsible Party] and to
legally bind [Name of Responsible Party] to this Consent Order.

Initial _____

1 [Name of Responsible Party] admits to the jurisdiction of the Director of ADEQ.

2 [Name of Responsible Party] consents to the terms and entry of this Consent Order and
3 agrees not to contest the validity or terms of this Consent Order in any subsequent proceeding.

4 **THEREFORE, IT IS HEREBY ORDERED** as follows:

5 **I. JURISDICTION**

6 A. The Director of ADEQ has jurisdiction over the subject matter of this action and
7 is authorized to issue this Consent Order pursuant to the Arizona Revised Statutes ("A.R.S.") §
8 49-354.

9 B. The Director of ADEQ has personal jurisdiction over [Name of Responsible
10 Party].

11 **II. FINDINGS**

12 **THE DIRECTOR HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND**
13 **CONCLUSIONS OF LAW:**

14 A. Findings of Fact

15 1. [Name of Responsible Party] owns and/or operates [Name of Facility]
16 located at [Street Address of Facility], [City where Facility Located], [County where Facility
17 Located], Arizona.

18 [List of facts that are the basis for the Consent Order]

19 B. Conclusions of Law

20 1. [Name of Facility] is a public water system as defined in A.R.S. § 49-
21 352(B) and A.A.C. R18-4-101.

22 2. [Name of Facility] is a [community/nontransient, noncommunity/transient,
23 noncommunity] system as defined in A.A.C. R18-4-101.

24 3. [Name of Responsible Party], as owner and/or operator of [Name of
25 Facility], is a water supplier as defined in A.A.C. R18-4-101.

26 [List of violations, including the legal citations, related to the Findings of Fact]

27 **III. COMPLIANCE SCHEDULE**

28

1 **THE DIRECTOR HEREBY ORDERS** and [Name of Responsible Party] agrees to comply with
2 the provisions of this Consent Order as follows:

3 [List of compliance requirements and agreed upon deadlines for completion]

4 **IV. STATUS REPORTS**

5 A. [Name of Responsible Party] agrees to submit a written status report to ADEQ
6 every thirty (30) calendar days beginning thirty (30) days from the effective date of this Consent
7 Order, until termination of this Consent Order. Each written status report shall describe what
8 measures have been taken under Section III, of this Consent Order, and shall certify when
9 compliance with the requirements of Section III of this Order has been achieved. Each report
10 shall be accompanied by evidence of compliance including, as appropriate, submittal of
11 documents, photographs or copies of any other supporting information that [Name of Responsible
12 Party] deems necessary.

13 B. ADEQ will review the status reports and relay any disputes in writing to [Name
14 of Responsible Party]. [Name of Responsible Party] shall incorporate all required modifications,
15 changes or other alterations, as requested by ADEQ, within a reasonable time specified by ADEQ.

16 **V. CIVIL ADMINISTRATIVE PENALTY**

17 A. [Name of Responsible Party] shall pay a civil administrative penalty to the
18 State in the amount of [Narrative Amount] (\$[Numeric Amount]) within [Number of Days] of
19 the effective date of this Consent Order.

20 B. All payments made to the State under this Consent Order shall be by check
21 made payable to "State of Arizona" and shall be delivered or mailed to:

22 Mr. Michel D. Clark, Chief Financial Officer
23 Arizona Department of Environmental Quality
24 1110 West Washington Street
Phoenix, Arizona 85007-2935
Attention: Accounts Receivable

25 together with a letter tendering the check. The letter shall identify this Consent Order by the
26 parties and docket number. A copy of the check shall also be sent to ADEQ pursuant to
27 Section IX.

1 C. [Name of Responsible Party] shall pay interest and penalties on any amount not
2 paid by the due date at the rate established pursuant to A.R.S. § 49-113. If [Name of
3 Responsible Party] fails to pay the full amount of the civil administrative penalty as required
4 by this Consent Order, ADEQ may terminate this Consent Order and take action to seek
5 penalties for any and all violations covered by this Consent Order.

6 **VI. COMPLIANCE WITH OTHER LAWS**

7 A. This Consent Order does not encompass issues regarding releases,
8 contamination, sources, operations, facilities or processes not expressly covered by the terms
9 of this Consent Order, and is without prejudice to the rights of the State of Arizona or [Name
10 of Responsible Party], arising under any federal or Arizona environmental statutes and rules
11 with regard to such issues.

12 B. Nothing in this Consent Order shall constitute a permit of any kind, or a
13 modification of any permit of any kind, or an agreement to issue a permit of any kind under
14 federal, state or local law, or relieve [Name of Responsible Party] in any manner of
15 [his/her/its] obligation to apply for, obtain, and comply with all applicable permits. Nothing
16 in this Consent Order shall in any way alter, modify or revoke federal, state, or local law, or
17 relieve [Name of Responsible Party] in any manner of [his/her/its] obligation to comply with
18 such laws. Compliance with the terms of this Consent Order shall not be a defense to any
19 action to enforce any such permits or laws.

20 **VII. FORCE MAJEURE**

21 A. [Name of Responsible Party] shall perform all the requirements of this Consent
22 Order according to the time limits set forth herein, unless performance is prevented or delayed
23 by events which constitute a *force majeure*. *Force majeure*, for the purposes of this Consent
24 Order, is defined as any event, arising from causes beyond the control of [Name of
25 Responsible Party] or its authorized representatives which delays or prevents the performance
26 of any obligation under this Consent Order and which could not have been overcome or
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1 prevented by [Name of Responsible Party]. The financial inability of [Name of Responsible
2 Party] to comply with the terms of this Consent Order, shall not constitute a *force majeure*.

3 B. In the event of a *force majeure*, the time for performance of the activity
4 affected by the *force majeure* shall be determined by ADEQ and extended for a period no
5 longer than the delay caused by the *force majeure*. The time for performance of any activity
6 dependent on the delayed activity shall be similarly extended. In the event of a *force majeure*,
7 [Name of Responsible Party] shall notify ADEQ in writing within five (5) calendar days after
8 [Name of Responsible Party] or [his/her/its] agents become aware of the occurrence. The
9 written notice provided to ADEQ shall describe in detail the event, the anticipated delay, the
10 measures taken and to be taken by [Name of Responsible Party] to prevent or minimize delay,
11 and a proposed timetable under which those measures will be implemented. [Name of
12 Responsible Party] shall take all reasonable measures to prevent or minimize any delay caused
13 by the *force majeure*. Failure of [Name of Responsible Party] to comply with any
14 requirements of this paragraph for a particular event, shall preclude [Name of Responsible
15 Party] from asserting any claim of *force majeure* for that event.

16 **VIII. SITE ACCESS**

17 ADEQ may at any time, upon presentation of credentials to authorized personnel on
18 duty, enter upon the premises at the Facility for the purpose of observing and monitoring
19 compliance with the provisions of this Consent Order. This right of entry shall be in addition
20 to, and not in limitation of or substitution for, ADEQ's rights under applicable law.

21 **IX. CORRESPONDENCE**

22 All documents, materials, plans, notices, or other items submitted as a result of this
23 Consent Order shall be transmitted to the addresses specified below:

24 To ADEQ:

25 Arizona Department of Environmental Quality
26 Water Quality Division
27 Attention: [ADEQ Contact and Title]
28 1110 West Washington Street

Phoenix, Arizona 85007-2935
Telephone: [Telephone Number of ADEQ Contact]

To [Name of Responsible Party]:

[Name of Responsible Party or Designee]
[Address of Responsible Party or Designee]
[Telephone Number of Responsible Party or Designee]

Submissions to ADEQ as a result of this Consent Order shall be deemed submitted upon receipt.

X. RESERVATION OF RIGHTS

A. This Consent Order is based solely upon currently available information. If additional information is discovered, which indicates that the actions taken under this Consent Order are or will be inadequate to protect human health, safety, or the environment, or to conform with applicable federal or state laws, ADEQ shall have the right to require further action.

B. ADEQ shall have the right: to disapprove of work performed by [Name of Responsible Party] that fails to comply with this Consent Order; to take enforcement action for any and all violations of this Consent Order; and to take enforcement action for any and all violations of A.R.S. Title 49, or the rules promulgated thereunder, occurring after the entry of this Consent Order.

XI. SEVERABILITY

The provisions of this Consent Order are severable. If any provision of this Consent Order is declared by a court of law to be invalid or unenforceable, all other provisions of this Consent Order shall remain in full force and effect.

XII. RELEASE

Pursuant to A.R.S. § 49-354(G), upon payment of the full amount of the civil administrative penalty in Section V, [Name of Responsible Party] and [its/his/her] past, present, and future directors, officers, members, employees, agents, and successors and

1 assigns are released from any and all civil penalty liability to the State, for the violations
2 covered by this Consent Order.

3 **XIII. MODIFICATIONS**

4 Any modifications of this Consent Order shall be in writing and must be approved by
5 both [Name of Responsible Party] and ADEQ.

6 **XIV. EFFECTIVE DATE**

7 The effective date of this Consent Order shall be the date this Consent Order is signed
8 by ADEQ and [Name of Responsible Party]. If such signatures occur on different dates, the
9 later date shall be the effective date of this Consent Order.

10 **XV. PARTIES BOUND**

11 No change in ownership, corporate status, or partnership status relating to the subject
12 of this Consent Order will in any way alter the responsibilities of [Name of Responsible Party]
13 under this Consent Order. [Name of Responsible Party] will be responsible, and will remain
14 responsible, for carrying out all activities required under this Consent Order.

15 **XVI. TERMINATION**

16 The provisions of this Consent Order shall be deemed satisfied and this Consent Order
17 shall be terminated upon receipt of written notification from ADEQ that [Name of
18 Responsible Party] has demonstrated, to the satisfaction of ADEQ, that all of the terms of this
19 Consent Order have been completed. ADEQ reserves the right to terminate this Consent
20 Order unilaterally at any time for any reason.

21
22 **ISSUED** this ___ day of _____, 200__.

23
24 _____
25 [Name of Division Director], Director
Water Quality Division
Arizona Department of Environmental Quality

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CONSENT TO ORDER

The undersigned, on behalf of [Name of Responsible Party/Facilty], hereby acknowledges that [he/she] has read the foregoing Consent Order in its entirety, agrees with the statements made therein, consents to its entry and issuance by the Arizona Department of Environmental Quality, agrees that [Name of Responsible Party] will abide by the same and waive any right to appeal therefrom.

DATED this ____ day of _____, 200__.

[Signatory for Responsible Party]
[Title of Signatory]

1 **ORIGINAL** of the foregoing Consent Order was filed this ____ day of _____, 200__,
2 with:

3 Lavonne Watkins, Hearing Administrator
4 Office of Special Counsel
5 Arizona Department of Environmental Quality
6 1110 West Washington Street
7 Phoenix, Arizona 85007-2935

8 **COPY** of the foregoing Consent Order was sent certified mail, return receipt requested, this
9 ____ day of _____, 200__, to:

10 [Name of Responsible Party]
11 [Address of Responsible Party]
12

13 **COPIES** of the foregoing Consent Order were sent by regular/interdepartmental mail, this
14 ____ day of _____, 200__, to the following:

15 [Chief Counsel, Environmental Enforcement Section, Office of the Attorney General]

16 [Chief Financial Officer, ADEQ]

17 [Program Manager(s), ADEQ]

18 [County Health Department]

19 [Environmental Protection Agency]
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ADDENDUM TO THE *CONSENT ORDER NEGOTIATION GUIDELINES* UNDERGROUND STORAGE TANK CORRECTIVE ACTIONS

Introduction

Due to certain rules and statutes that are unique to the regulation of leaking underground storage tank sites, Consent Orders administered by the Arizona Department of Environmental Quality (ADEQ) Underground Storage Tank Corrective Action (USTCA) Section typically contain provisions that are not normally contained within Consent Orders administered by other ADEQ programs. This addendum to the *Consent Order Negotiation Guidelines* provides further guidance regarding these provisions. ADEQ strongly recommends reviewing this addendum, in conjunction with the *Consent Order Negotiation Guidelines*, before the initiation of Consent Order negotiations with the ADEQ USTCA Section.

Status Reports

Consent Orders entered by ADEQ typically contain a provision requiring the responsible party to submit a written status report to ADEQ every thirty calendar days from the effective date of the Consent Order. However, Consent Orders administered by the USTCA Section do not typically contain such a provision. Instead, the requirement to submit such reports is built into site characterization work plan and corrective action plan schedules that are submitted and approved pursuant to the Consent Order's compliance schedule. ADEQ then monitors the UST owner and/or operator's compliance with the approved work plan or correction action plan schedule.

State Assurance Fund

Pursuant to Arizona Revised Statutes (A.R.S.) § 49-1053(C), an owner or operator may not elect the State Assurance Fund (SAF) preapproval process if the corrective action costs included in the application for coverage pertain to a site that is the subject of an order issued pursuant to A.R.S. § 49-1013 or if the owner or operator has formally consented in writing to an administrative order. In addition, pursuant to Arizona Administrative Code R18-12-607.01(C)(4), the SAF pre-approval rules shall not apply to corrective action expenses incurred under a Consent Order. However, an SAF applicant who enters into a Consent Order remains eligible for SAF reimbursement coverage, provided that the applicant is in compliance with the order. SAF eligibility does not guarantee reimbursement, and consequently, the SAF provisions have no relevance to the completion of corrective actions. Any reference to the SAF in the Consent Order, which attempts to make the completion of the required corrective actions contingent on SAF reimbursement, is prohibited.

Reservation of Rights

As with all Consent Orders entered by ADEQ, failure to comply with a Consent Order administered by the USTCA Section may subject the responsible party to further enforcement action. In addition, if a UST owner and/or operator fails to comply with a Consent Order administered by the USTCA Section, the ADEQ director may take corrective action with respect to the UST release(s), and recover from the responsible party the costs incurred for conducting the corrective action pursuant to Arizona Revised Statutes (A.R.S.) § 49-1017.

UST INSPECTIONS & COMPLIANCE MAJOR VIOLATIONS

CITATION	DESCRIPTION OF MAJOR VIOLATION - UST
A.A.C. R18-12-220(A)	Failure to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST is used to store regulated substances
A.A.C. R18-12-221(A)	Failure to ensure that an existing UST system meets either new tank standards, upgrade standards, or closure requirements by December 22, 1998
A.A.C. R18-12-221(F)	Failure to demonstrate compliance with the Upgrading of UST Systems requirements of A.A.C. R18-12-221
A.A.C. R18-12-222(A)	Failure to provide ADEQ with required information about a UST system
A.A.C. R18-12-230(B)	Failure to investigate, or clean up a spill or overfill associated with a UST system
A.A.C. R18-12-231(A)	Failure to operate and maintain corrosion protection continuously to provide corrosion protection to the metal components of a UST system
A.A.C. R18-12-232	Failure to use a UST system made of or lined with materials that are compatible with the substance stored
A.A.C. R18-12-233(A)(1)	Failure to ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances
A.A.C. R18-12-233(C)	Failure to test the cathodic protection system within six (6) months of a repair of a cathodically protected UST system.
A.A.C. R18-12-234(A)(1)	Failure to report a release or suspected release from a UST system to ADEQ
A.A.C. R18-12-234(A)(4)	Failure to submit a site assessment report to ADEQ
A.A.C. R18-12-240(A)(1)	Failure to provide a method of release detection that can detect a release from any portion of the UST system that routinely contains a regulated substance.
A.A.C. R18-12-240(B)	Failure to notify ADEQ when operation of a release detection method indicates a release may have occurred
A.A.C. R18-12-240(D)	Failure to close a UST system for which a method of release detection cannot be applied
A.A.C. R18-12-241(A)	Failure to monitor a UST for releases at least once every month
A.A.C. R18-12-241(B)(1)	Failure to provide an appropriate method of release detection to an underground piping system that conveys product under pressure
A.A.C. R18-12-241(B)(2)	Failure to provide an appropriate method of release detection to an underground piping systems conveys product under suction
A.A.C. R18-12-242(A)	Failure to provide an appropriate method of release detection to a hazardous substance UST system

CITATION	DESCRIPTION OF MAJOR VIOLATION - UST
A.A.C. R18-12-242(B)(1)(a)	Failure to provide a method of release detection to a hazardous substance UST system whereby the secondary containment system is designed, constructed and installed to contain the substance
A.A.C. R18-12-242(B)(1)(b)	Failure to provide a method of release detection to a hazardous substance UST system whereby the secondary containment system is designed, constructed and installed to prevent the release of the substance to the environment during the operational life of the system
A.A.C. R18-12-242(B)(1)(c)	Failure to check the secondary containment system to a hazardous substance UST for evidence of a release at least monthly
A.A.C. R18-12-242(B)(2)(a)	Failure to provide a method of release detection to a new hazardous substance UST system whereby double-walled tanks are designed, constructed and installed to contain a release from any portion of the inner tank within the inner wall
A.A.C. R18-12-242(B)(2)(b)	Failure to provide a method of release detection to a new hazardous substance UST system whereby double-walled tanks are designed, constructed and installed to detect the failure of the inner wall
A.A.C. R18-12-242(B)(3)(a)	Failure to provide a method of release detection to a new hazardous substance UST system whereby the external liners, including vaults, are designed to contain 100% of the capacity of the largest UST system within its boundary
A.A.C. R18-12-242(B)(3)(b)	Failure to provide a method of release detection to a new hazardous substance UST system whereby the external liners, including vaults, are designed to prevent precipitation or groundwater from interfering with its ability to contain or detect a release of regulated substance
A.A.C. R18-12-242(B)(3)(c)	Failure to provide a method of release detection to a new hazardous substance UST system whereby the external liners, including vaults, are designed to surround the tank completely to prevent lateral and vertical migration of regulated substance
A.A.C. R18-12-242(B)(4)	Failure to provide a method of release detection to a new hazardous substance UST system whereby underground piping is equipped with secondary containment and pressurized piping is equipped with a automatic line leak detector
A.A.C. R18-12-242(B)(5)(a)	Use of a release detection system not listed in rule for a hazardous substance UST system without demonstrating to ADEQ that the alternative method is as effective as a method listed in rule
A.A.C. R18-12-242(B)(5)(b)	Use of a release detection system not listed in rule for a hazardous substance UST system without providing information to ADEQ on effective corrective action technologies, health risks, and the chemical and physical properties of the stored substance, and the characteristics of the UST site
A.A.C. R18-12-242(B)(5)(c)	Use of a release detection system not listed in rule for a hazardous substance UST system without obtaining approval from ADEQ in writing prior to installation and operation of the UST system

CITATION	DESCRIPTION OF MAJOR VIOLATION - UST
A.A.C. R18-12-243	Failure to conduct inventory control for a UST according to the applicable requirements on a monthly basis
A.A.C. R18-12-270(B)	Failure to continue to operate and maintain corrosion protection, release detection, or to report a release or suspected release during temporary closure
A.A.C. R18-12-270(C)	Failure to cap and secure all lines (except vent lines), pumps, manholes and ancillary equipment on a UST system that is temporarily closed for 3 months or more
A.A.C. R18-12-270(E)	Failure to bring a temporarily closed UST system back into service, permanently close the system, or request an extension for temporary closure within 12 months from the date the system went into temporary closure
A.A.C. R18-12-271(C)(1)	Failure to develop documented evidence that the contents of the system are a regulated substance when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-271(C)(2)	Failure to drain and flush back into the tank regulated substances from piping and any other ancillary equipment that routinely contains regulated substances when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-271(C)(2)	Failure to cap and remove all piping, dispensers, and other ancillary equipment to be closed when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-271(C)(3)	Failure to properly empty and clean the UST by removing all liquids and accumulated residues when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-271(C)(4)	Failure to remove from the ground or fill completely with inert solid materials all tanks when permanently closing a UST system
A.A.C. R18-12-271(C)(5)	Failure to perform a site assessment prior to completion of the permanent closure or change-in-service when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-271(C)(5)	Failure to notify ADEQ prior to performing a site assessment when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-271(C)(5)	Failure to take samples at the time of tank removal when permanently closing or making a change-in-service to a UST system
A.A.C. R18-12-272(A)	Failure to measure for the presence of a release at a UST site by taking samples for laboratory analysis before completing a permanent closure or change in-service
A.A.C. R18-12-274	Failure to report to ADEQ a release or suspected release that is discovered during temporary closure, permanent closure, or change-in-service

UST INSPECTIONS & COMPLIANCE MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-211(A)(1)	Installation of a UST for the purpose of storing regulated substances without ensuring that the UST system will prevent releases due to corrosion or structural failure for the operational life of the UST system
A.A.C. R18-12-211(A)(2)	Installation of a UST for the purpose of storing regulated substances without ensuring that the UST system is cathodically protected against corrosion, constructed of noncorrodible material, steel clad with a noncorrodible material, or designed in a manner to prevent the release or threatened release of any stored substance
A.A.C. R18-12-211(A)(3)	Installation of a UST for the purpose of storing regulated substances without ensuring that the UST system is constructed or lined with material that is compatible with the stored substance
A.A.C. R18-12-211(B)	Failure to maintain records that demonstrate a UST system is installed in an area determined not to be corrosive enough to cause a release during its operational life
A.A.C. R18-12-211(C)	Failure to use National Association of Corrosion Engineers Standard RP0285-85 to determine compliance with UST corrosion protection provisions
A.A.C. R18-12-220(B)	Failure to design or construct an underground portion of a UST system to be protected from corrosion in accordance with an approved method
A.A.C. R18-12-220(C)	Failure to ensure that UST piping which is in contact with the ground is properly designed, constructed, and protected from corrosion in accordance with an approved method
A.A.C. R18-12-220(D)(1)	Failure to use spill prevention equipment that will prevent release of a regulated substance from a UST system to the environment when the transfer hose is detached from the fill pipe
A.A.C. R18-12-220(D)(2)	Failure to use overfill prevention equipment to prevent overfilling associated with transfer of a regulated substance to a UST system
A.A.C. R18-12-220(E)(1)	Failure to install a UST or piping in accordance with the manufacturer's instructions
A.A.C. R18-12-220(E)(2)	Failure to install a UST or piping in accordance with the required performance standards
A.A.C. R18-12-220(H)	Failure to notify ADEQ that a UST system was brought into operation or modified within 30 days of the date the system was brought into operation or modified
A.A.C. R18-12-230(A)	Failure to ensure that UST releases due to spilling or overfilling do not occur
A.A.C. R18-12-231(B)(1)	Failure to test a UST cathodic protection system within 6 months of installation and at least every 3 years thereafter

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-231(C)	Failure to inspect an impressed current cathodic protection system for a UST every 60 days to ensure that the equipment is operating in accordance with its design specifications
A.A.C. R18-12-231(D)	Failure to maintain adequate records of the operation of cathodic protection necessary to demonstrate compliance with the required performance standards
A.A.C. R18-12-233(B)	Failure to tightness test a UST tank or piping in accordance with required specifications within 30 days after the completion of a repair
A.A.C. R18-12-234(C)	Failure to keep required UST records either at the UST site or at a readily available alternative site available for inspection by ADEQ upon request
A.A.C. R18-12-240(A)(2)	Failure to install, calibrate, operate or maintain a UST release detection system in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition
A.A.C. R18-12-240(A)(3)	Failure to ensure that a UST release detection system meets performance requirements and provide a description of any performance claims and their manner of determination from the equipment manufacturer or installer in writing
A.A.C. R18-12-240(A)(2)	Failure to provide a method of release detection that is installed, calibrated, operated and maintained in accordance with manufacturer's instructions
A.A.C. R18-12-240(A)(3)	Failure to provide a method of release detection that meets the performance requirements in either A.A.C. R18-12-243 or A.A.C. R18-12-244
A.A.C. R18-12-240(A)(4)	Failure to provide a method of release detection that is capable of detecting the leak rate or quantity specified within the appropriate probability of detection and probability of false alarm
A.A.C. R18-12-243(A)(2)	Failure to use equipment capable of measuring the level of the regulated substance over the full range of the tank's vertical dimension to the nearest 1/8 of an inch when using inventory control for release detection
A.A.C. R18-12-243(A)(3)	Failure to reconcile regulated substance inputs with delivery receipts by measurement of the tank inventory before and after delivery when using inventory control for release detection
A.A.C. R18-12-243(A)(4)	Failure to use a drop tube that extends to within 1 foot of the tank bottom for measurements and deliveries of regulated substances when using inventory control for release detection
A.A.C. R18-12-243(A)(6)	Failure to measure the water level in the bottom of the tank to the nearest 1/8 of an inch at least once a month when using inventory control for release detection
A.A.C. R18-12-243(B)(3)	Failure to use equipment that is capable of measuring the level of regulated substances over the full range of the tank's vertical dimension to the nearest 1/8 of an inch when using manual tank gauging for release detection
A.A.C. R18-12-243(C)	Failure to use inventory control or manual tank gauging in conjunction with tank tightness testing for release detection

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-243(C)	Use of a tank tightness test not capable of detecting a 0.1 gallon per hour leak rate accounting for the appropriate effects when using tank tightness testing for release detection
A.A.C. R18-12-243(D)(1)	Failure to perform an automatic regulated substance level monitor test at least monthly when using automatic tank gauging for release detection
A.A.C. R18-12-243(D)(1)	Failure to use a test capable of detecting a 0.2 gallon per hour leak rate from any portion of the UST that regularly contains regulated substances when using automatic tank gauging for release detection
A.A.C. R18-12-243(E)	Failure to conduct monitoring for soil gas vapors from a UST excavation zone at least monthly
A.A.C. R18-12-243(E)(2)	Failure to design and construct a leak detection system so that the number and positioning of monitoring wells will detect releases into the excavation zone from any portion of the UST system within 30 days from the date of commencement of a release
A.A.C. R18-12-243(E)(8)	Failure to clearly mark or secure a UST soil gas vapor monitoring well to avoid unauthorized access and tampering
A.A.C. R18-12-243(F)	Failure to conduct UST monitoring for liquids on the groundwater at least monthly
A.A.C. R18-12-243(F)(2)	Failure to design and construct a UST leak detection system so that the number and positioning of monitoring wells will detect releases into the excavation zone from any portion of the UST system
A.A.C. R18-12-243(F)(4)	Failure to ensure that groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the material between the UST system and the monitoring wells is not less than 0.01 cm/sec
A.A.C. R18-12-243(F)(9)	Failure to clearly mark or secure a UST groundwater monitoring well to avoid unauthorized access and tampering
A.A.C. R18-12-243(G)	Failure to conduct interstitial monitoring at least monthly
A.A.C. R18-12-243(G)(2)	Failure to design, construct or install interstitial monitoring to detect a leak from a UST system with a secondary barrier within the excavation zone
A.A.C. R18-12-243(G)(3)	Failure to use an automated device able to detect a release between the inner wall of the tank and the liner when using interstitial monitoring for release detection for a UST with an internally fitted liner
A.A.C. R18-12-243(H)(2)	Use of a method for release detection that is not listed in rule or determined by ADEQ to meet applicable requirements
A.A.C. R18-12-244(A)	Use of automatic line leak detection method for release detection for piping that fails to detect leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-244(A)	Failure to conduct an annual test of the operation of an automatic line leak detection method for piping in accordance with the manufacturer's requirements
A.A.C. R18-12-244(B)	Use of a periodic line tightness test of piping that was not capable of detecting a 0.1 gallon per hour leak rate at 1 ½ times the operating pressure when using line tightness testing for release detection
A.A.C. R18-12-244(C)	Use of an approved tank release detection method as a release detection method for piping when the method is not designed to detect a release from any portion of the underground piping that routinely contains regulated substances
A.A.C. R18-12-245(C)	Failure to maintain the results of any UST sampling or testing for at least 5 years from the date of receipt
A.A.C. R18-12-221(H)	Failure to notify ADEQ that a UST system was upgraded within 30 days of the date the system was upgraded
A.A.C. R18-12-222(B)	Failure to submit a notification form to ADEQ with the most current and complete information for a UST facility as prescribed by ADEQ
A.A.C. R18-12-222(C)	Failure to submit a notification form to ADEQ indicating permanently closure, temporarily closure or a change-in-service
A.A.C. R18-12-222(D)(1)	Failure to certify compliance with the installation of tanks and piping requirements of A.A.C. R18-12-220(E) for a new or upgraded UST system
A.A.C. R18-12-222(D)(2)	Failure to certify compliance with the cathodic protection of steel tanks and piping requirements of A.A.C. R18-12-220(B) and (C), or A.A.C. R18-12-221(B) through (D) for a new or upgraded UST system
A.A.C. R18-12-222(D)(3)	Failure to certify compliance with the spill and overflow protection requirements of A.A.C. R18-12-220(D) or A.A.C. R18-12-221(E) for a new or upgraded UST system
A.A.C. R18-12-222(D)(4)	Failure to certify compliance with the release detection requirements of A.A.C. R18-12-240 through A.A.C. R18-12-245 for a new or upgraded UST system
A.A.C. R18-12-222(D)(5)	Failure to certify compliance with the financial responsibility requirements of A.A.C. R18-12-300 through A.A.C. R18-12-325 for a new or upgraded UST system
A.A.C. R18-12-222(F)(1)	Failure to notify ADEQ within 30 days of a change in operation of a UST system
A.A.C. R18-12-222(F)(2)	Failure to notify ADEQ within 30 days of a replacement or upgrade of any portion of a UST system
A.A.C. R18-12-222(F)(3)	Failure to notify ADEQ within 30 days of a change in leak detection status
A.A.C. R18-12-222(F)(4)	Failure to notify ADEQ within 30 days of a temporary closure / extension of temporary closure of a UST system
A.A.C. R18-12-222(F)(5)	Failure to notify ADEQ within 30 days of a return to service following temporary closure of a UST system

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-222(F)(6)	Failure to notify ADEQ within 30 days of a permanent closure or change-in-service of a UST system
A.A.C. R18-12-222(F)(7)	Failure to notify ADEQ within 30 days of a change in the contents of regulated substances in a UST system
A.A.C. R18-12-222(F)(8)	Failure to notify ADEQ within 30 days of a change in the status of financial responsibility for a UST system
A.A.C. R18-12-222(G)(1)	Failure to submit a completed notification form to the department within 30 days of a change of ownership
A.A.C. R18-12-222(G)(2)	Failure to notify ADEQ in writing of the transfer of ownership by submitting a completed notification form within 30 days
A.A.C. R18-12-230(B)	Failure to report a spill or overfill associated with a UST system
A.A.C. R18-12-233(D)	Failure to maintain records of all repairs made to the UST system that demonstrate compliance with A.A.C. R18-12-233 for the operational life of the UST
A.A.C. R18-12-234(A)(1)	Failure to report all releases including suspected releases
A.A.C. R18-12-234(A)(4)	Failure to submit a site assessment report following permanent closure or a change-in-service
A.A.C. R18-12-234(A)(2)	Failure to submit report to ADEQ of corrective actions planned or taken, including initial investigation and abatement measures
A.A.C. R18-12-234(A)(3)	Failure to submit information required by A.A.C. R18-12-271 prior to starting permanent closure or change-in-service
A.A.C. R18-12-234(B)(1)	Failure to maintain corrosion expert's analysis of the site corrosion potential when corrosion equipment not used
A.A.C. R18-12-234(B)(2)	Failure to maintain documentation demonstrating the operation of corrosion protection equipment
A.A.C. R18-12-234(B)(3)	Failure to maintain documentation demonstrating the UST system repairs for the operational life of the UST
A.A.C. R18-12-234(C)	Failure to keep required records either at the UST site and immediately available for inspection, or at a readily available alternative site
A.A.C. R18-12-240(B)	Failure to notify ADEQ when a method of release detection indicated that a release may have occurred
A.A.C. R18-12-245(A)	Failure to maintain records demonstrating compliance with all of the applicable requirements of A.A.C. R18-12-240 through A.A.C. R18-12-244
A.A.C. R18-12-245(A)(1)	Failure to maintain all written performance claims pertaining to any release detection system by the manufacturer or the installer

CITATION	DESCRIPTION OF MINOR VIOLATION - UST
A.A.C. R18-12-245(A)(2)	Failure to maintain all calibration, maintenance and repair of release detection equipment located on site
A.A.C. R18-12-245(B)	Failure to maintain schedules of required calibration and maintenance provided by the manufacturer
A.A.C. R18-12-270(A)	Failure to notify ADEQ within 30 days of the date that an UST system is temporarily closed
A.A.C. R18-12-270(D)	Failure to notify ADEQ within 30 days after the date that an UST system is brought back into use after temporarily being closed
A.A.C. R18-12-271(A)	Failure to properly notify ADEQ at least 30 days in advance of permanent closure or change-in-service of a UST system
A.A.C. R18-271(D)	Failure to submit a completed closure report to ADEQ within 30 days of permanent closure or change-in-service of a UST system

WATER POLLUTION CONTROL MINOR VIOLATIONS

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.R.S. § 49-242(B)	Failure to register an aquifer protection permit and pay an annual registration fee for an injection well
A.R.S. § 49-242(B)	Failure to register an aquifer protection permit and pay an annual registration fee for a dry well
A.R.S. § 49-242(B)	Failure to register an aquifer protection permit and pay an annual registration fee for an on-site wastewater treatment facility
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a surface impoundment
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a facility which adds a pollutant to a salt dome formation
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a facility which adds a pollutant to a salt bed formation
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a facility which adds a pollutant to an underground cave or mine
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a mine leaching operation
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a sewage or sludge pond
A.R.S. § 49-242(C)	Failure to register an aquifer protection permit and pay an annual registration fee for a wastewater treatment facility
A.R.S. § 2 49-42(D)	Failure to register a notice of disposal or groundwater quality protection permit and pay an annual registration fee
A.R.S. § 49-252(A)	Failure to notify ADEQ of the intent to permanently cease an activity associated with a dry well
A.R.S. § 49-252(A)	Failure to notify ADEQ of the intent to permanently cease an activity associated with a groundwater quality permit facility
A.R.S. § 49-252(A)	Failure to notify ADEQ of the intent to permanently cease an activity associated with an aquifer protection permit
A.R.S. § 49-252(B)	Failure to submit a closure plan within ninety days of notifying ADEQ of the intent to permanently cease an activity associated with aquifer protection
A.A.C. R18-9-104(A)	Failure of a person who filed a Notice of Disposal or received a Groundwater Quality Protection Permit to notify the Department before any cessation
A.A.C. R18-9-104(B)	Failure to submit an application for an Aquifer Protection Permit or a closure plan within 90 days from the date of ADEQ's notification

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-A204(F)	Failure to maintain at least one copy of the contingency plan required by an individual aquifer protection permit at the location where day-to-day decisions regarding the operation of a facility are made
A.A.C. R18-9-A204(F)	Failure to advise all employees responsible for the operation of a facility of the location of a contingency plan
A.A.C. R18-9-A204(G)	Failure to promptly revise a contingency plan upon any change to the information contained in the plan
A.A.C. R18-9-A206(B)(1)	Failure to make a complete monitoring record for each sample taken as required by an individual aquifer protection permit
A.A.C. R18-9-A206(B)(3)	Failure to maintain monitoring records for at least 10 years after the date of a sample or measurement required by an aquifer protection permit
A.A.C. R18-9-A207(C)	Failure to notify ADEQ within five days after the occurrence of bankruptcy filing
A.A.C. R18-9-A208(A)(3)	Failure to submit to ADEQ a report indicating whether a required action was taken within 30 days after the applicable date specified in a compliance schedule
A.A.C. R18-9-A209(A)(1)	Failure to notify ADEQ before a cessation of operations at a facility for at least 60 days duration.
A.A.C. R18-9-A209(A)(2)	Failure to implement a measure specified in an individual aquifer protection permit for temporary cessation
A.A.C. R18-9-A209(A)(3)	Failure to submit specifications to ADEQ for temporary cessation measures
A.A.C. R18-9-A209(B)(1)	Failure to notify ADEQ of the intent to cease operations
A.A.C. R18-9-A209(B)(1)(a)	Failure to submit a complete closure plan to ADEQ within 90 days following the notification of intent to cease operations
A.A.C. R18-9-A209(B)(1)(a)	Failure to submit the applicable fee for closure
A.A.C. R18-9-A209(d)	Failure to provide ADEQ with written notice that a closure plan or a post-closure plan has been fully implemented within 30 calendar days of completion
A.A.C. R18-9-A212(A)	Failure to submit a complete notice to ADEQ within 15 days following a change of ownership
A.A.C. R18-9-A212(A)(6)	Failure to submit to ADEQ the fee for a change of ownership
A.A.C. R18-9-A212(B)(1)	Failure to notify ADEQ by certified mail within 15 days after a change of ownership of a transfer
A.A.C. R18-9-A212(B)(2)	Failure to submit the applicable fee for the transfer of an aquifer protection permit

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-A212(B)(4)	Failure to submit a signed statement by the new aquifer protection permittee that the permittee has reviewed the transferred permit and agrees to be bound by its terms
A.A.C. R18-9-A212(B)(5)	Failure to provide ADEQ with a copy of the Certificate of Disclosure for a transferred aquifer protection permit
A.A.C. R18-9-A301(D)(1)(e)(i)	Beginning construction prior to receiving notification of Provisional Verification of General Permit Conformance
A.A.C. R18-9-A303(B)	Failure to submit an application for renewal on a form provided by ADEQ at least 90 days before the end of the renewal period
A.A.C. R18-9-A303(B)	Failure to submit the applicable fee for aquifer protection permit renewal
A.A.C. R18-9-A304(A)	Failure to provide a complete Notice of Transfer to ADEQ by certified mail within 15 days after the date that ownership changes.
A.A.C. R18-9-A304(A)(3)	Failure to submit the applicable fee for a Notice of Transfer
A.A.C. R18-9-A305(A)(2)	Failure to provide ADEQ with a certification signed by the facility owner stating that an expansion continues to meet all the conditions of the applicable general aquifer protection permit an Updated Notice of Intent to Discharge before expansion
A.A.C. R18-9-A305(A)(3)	Failure to pay the applicable fee for expansion
A.A.C. R18-9-A309(A)(5)	Failure to connect to a sewage collection system when the connection is practical
A.A.C. R18-9-A309(A)(8)(e)	Failure to operate an on-site wastewater treatment facility so that the flow to the facility does not exceed the design flow specified in the Verification of General Permit Conformance
A.A.C. R18-9-A309(A)(8)(f)	Failure to operate an on-site wastewater treatment facility so that the activities at the site do not adversely affect the operation of the facility
A.A.C. R18-9-A309(D)(3)(b)	Failure to regrade the surface to provide positive drainage when closing or abandoning an on-site wastewater treatment facility
A.A.C. R18-9-A309(D)(5)	Failure to notify the applicable county health or environmental department within 30 days of closing an on-site wastewater treatment facility
A.A.C. R18-9-A313(A)(3)	Failure to prepare a site to protect native soil beneath the soil absorption area and in adjacent areas from compaction, prevent smeared absorption surfaces, minimize disturbances from grubbing, or otherwise preclude damage to the disposal area that would impair performance
A.A.C. R18-9-A313(A)(4)	Failure to protect components from damage at a construction site
A.A.C. R18-9-A313(A)(4)	Failure to install a component in conformance with the manufacturer's instructions

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-A313(A)(5)	Failure to place treatment media to achieve uniform density, prevent differential settling, produce a level inlet surface, and avoid introduction of construction contaminants
A.A.C. R18-9-A313(A)(7)	Failure to shape soil cover to shed rainfall away from backfill areas and prevent ponding of runoff
A.A.C. R18-9-A313(A)(8)	Failure to implement anti-buoyancy measures during construction when temporary saturated backfill conditions are anticipated during construction
A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan
A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter
A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks
A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue
A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switches, or float
A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or float cleaning residue
A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines
A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks
A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines
A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks
A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks
A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed
A.A.C. R18-9-A316(A)	Failure to have a person possessing working knowledge of the type of facility and the inspection process perform a transfer inspection for an on-site wastewater treatment facility
A.A.C. R18-9-A316(B)	Failure to submit a complete Report of Inspection or Notice of Transfer form
A.A.C. R18-9-A316(B)(2)	Failure to transmit a copy of the Report of Inspection to the buyer of a property
A.A.C. R18-9-C301(D)(2)	Failure to control detrimental practices in a drywell drainage area
A.A.C. R18-9-C301(D)(3)	Failure to keep a Best Management Practices Plan for operation of a drywell on-site or at the closest practical place of work

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-C301(D)(3)	Failure to provide a Best Management Practice plan for operation of a drywell to ADEQ upon request.
A.A.C. R18-9-C301(D)(5)	Inadequate or incomplete Best Management Practices Plan for operation of a drywell
A.A.C. R18-9-C302(C)(1)	Failure to operate a stockpile at a mining site so that it does not impound water
A.A.C. R18-9-C302(C)(2)	Failure to direct storm runoff contacting a stockpile to a mine pit or a facility covered by an individual or general aquifer protection permit
A.A.C. R18-9-C302(C)(3)	Failure to maintain an engineered feature associated with a stockpile at a mining site and designed to aid compliance in good working condition.
A.A.C. R18-9-C302(C)(4)	Failure to repair any defects noted during a stockpile inspection at a mining site as soon as practical.
A.A.C. R18-9-C302(D)(1)	Failure to remove any remaining material, to the greatest extent practical upon closure of a stockpile at a mining site
A.A.C. R18-9-C302(D)(1)	Failure to regrade the area to prevent impoundment of water upon closure of a stockpile at a mining site
A.A.C. R18-9-C302(D)(2)	Failure to submit a narrative description of closure measures to ADEQ within 30 days after closure of a stockpile at mining site
A.A.C. R18-9-C303(C)(3)	Addition of a tracer substance to a well that is not compatible with its construction
A.A.C. R18-9-C303(C)(7)	Failure to monitor the amount of tracer used and recovered
A.A.C. R18-9-C303(C)(7)	Failure to submit a report summarizing a tracer test and results to ADEQ within 30 calendar days of test completion
A.A.C. R18-9-C303(D)	Failure to retain the required information at a site where the facility is located for at least three years after tracer test completion
A.A.C. R18-9-C303(D)	Failure to make the required tracer test information available to ADEQ upon request
A.A.C. R18-9-C303(E)(1)	Failure to account for a tracer not recovered through attenuation, modeling, or monitoring when a tracer was used outside the capture zone of an established passive containment system
A.A.C. R18-9-D301(B)(2)	Failure to provide the chemical analysis of each inflow to ADEQ within 60 days of each inflow to the facility
A.A.C. R18-9-D301(D)(1)	Failure to maintain sufficient freeboard to manage the 100-year, 24-hour storm event plus two feet of freeboard under normal operating conditions
A.A.C. R18-9-D301(D)(2)	Failure to remove accumulated residues, sediments, debris, or vegetation to maintain the integrity of the liner material or design capacity

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D301(E)(1)	Failure to maintain the construction drawings or as-built drawings associated with an impoundment for 10 years
A.A.C. R18-9-D301(E)(1)	Failure to make construction or as-built drawings associated with an impoundment available to ADEQ upon request
A.A.C. R18-9-D301(E)(2)	Failure to make a log book or similar documentation associated with an impoundment to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request
A.A.C. R18-9-D301(E)(3)	Failure to maintain capacity design criteria associated with an impoundment for 10 years
A.A.C. R18-9-D301(E)(3)	Failure to make capacity design criteria associated with an impoundment available to ADEQ upon request
A.A.C. R18-9-D301(E)(4)	Failure to maintain a list of standard operating procedures associated with an impoundment for 10 years
A.A.C. R18-9-D301(E)(4)	Failure to make a list of standard operating procedures associated with an impoundment available to ADEQ upon request
A.A.C. R18-9-D301(E)(5)	Failure to make construction Quality Assurance/Quality Control program documentation associated with an impoundment available to ADEQ upon request
A.A.C. R18-9-D301(E)(6)	Failure to maintain records of an unpermitted inflow into an impoundment for 10 years
A.A.C. R18-9-D301(E)(6)	Failure to make records of any unpermitted inflow into an impoundment available to ADEQ upon request.
A.A.C. R18-9-D301(G)	Failure to notify ADEQ of the intent to close an impoundment permanently
A.A.C. R18-9-D301(G)(1)	Failure to remove any solid residue on liner material and dispose of it appropriately within 90 days following a closure notification for a surface impoundment
A.A.C. R18-9-D301(G)(4)(a)	Failure to cover a liner in place or remove it for disposal or reuse following closure of an excavated impoundment
A.A.C. R18-9-D301(G)(4)(b)	Failure to remove and dispose of a liner elsewhere following closure of a bermed impoundment
A.A.C. R18-9-D301(G)(4)(c)	Failure to grade a facility to prevent the impoundment of water following closure of a surface impoundment.
A.A.C. R18-9-D301(G)(5)	Failure to notify ADEQ within 60 days following closure of a surface impoundment that an action plan has been implemented and the closure is complete.

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D302(D)(1)(b)	Failure to submit a report to ADEQ with a proposal for mitigation when the concentration of a constituent exceeded the numeric limit for an inorganic chemical, organic chemical, or pesticide in a filtration backwash discharge
A.A.C. R18-9-D302(D)(1)(b)	Failure to increase monitoring frequency for a pollutant to quarterly when the concentration of the pollutant exceeded the numeric limit for an inorganic chemical, organic chemical, or pesticide in a filtration backwash discharge
A.A.C. R18-9-D302(D)(1)(c)	Failure to submit an application for an individual aquifer protection permit when the concentration of a pollutant exceeded the numeric limit for an inorganic chemical, organic chemical, or pesticide in a filtration backwash discharge for three quarters
A.A.C. R18-9-D302(D)(2)(b)	Failure to submit a report to ADEQ with a proposal for mitigation when the concentration of a constituent exceeded the numeric limit for a microbiological contaminant in a filtration backwash discharge
A.A.C. R18-9-D302(D)(2)(b)	Failure to increase monitoring frequency for a pollutant to monthly when the concentration of the pollutant exceeded the numeric limit for a microbiological contaminant in a filtration backwash discharge
A.A.C. R18-9-D302(D)(2)(c)	Failure to submit an application for an individual aquifer protection permit when the concentration of a pollutant exceeded the numeric limit for a microbiological contaminant in a filtration backwash discharge for four months
A.A.C. R18-9-D302(E)(1)	Failure to make construction or as-built drawings associated with process water discharges from a water treatment facility available to ADEQ upon request
A.A.C. R18-9-D302(E)(2)	Failure to make a log book or similar documentation associated with process water discharges from a water treatment facility to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request
A.A.C. R18-9-D302(E)(3)	Failure to make water quality data associated with process water discharges from a water treatment facility available to ADEQ upon request
A.A.C. R18-9-D302(E)(4)	Failure to maintain a list of standard operating procedures associated with process water discharges from a water treatment facility for 10 years
A.A.C. R18-9-D302(E)(4)	Failure to make a list of standard operating procedures associated with process water discharges from a water treatment facility available to ADEQ upon request
A.A.C. R18-9-D302(F)	Failure to report an unauthorized flow into a filtration backwash impoundment to ADEQ within five days of discovery
A.A.C. R18-9-D303(D)(6)	Failure to remove accumulated sediments in all surface impoundments associated with a vehicle or equipment wash facility to maintain design capacity

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D303(D)(7)	Failure to use best management practices to minimize the introduction of chemicals not typically associated with vehicle or equipment wash operations
A.A.C. R18-9-D303(D)(7)	Use of non-biodegradable surfactant or soaps in vehicle or equipment wash operations.
A.A.C. R18-9-D303(F)(1)	Failure to maintain construction drawings or as-built drawings associated with the surface impoundments for a vehicle or equipment wash facility for 10 years
A.A.C. R18-9-D303(F)(1)	Failure to make construction or as-built drawings associated with the surface impoundments for a vehicle or equipment wash facility available to ADEQ upon request
A.A.C. R18-9-D303(F)(2)	Failure to make a log book or similar documentation associated with the surface impoundments for a vehicle or equipment wash facility to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request
A.A.C. R18-9-D303(F)(3)	Failure to maintain Material Safety Data Sheets for the chemicals used in vehicle or equipment wash operations for 10 years
A.A.C. R18-9-D303(F)(3)	Failure to make Material Safety Data Sheets for the chemicals used in vehicle or equipment wash operations available to ADEQ upon request
A.A.C. R18-9-D303(F)(3)	Failure to maintain a required monitoring result associated with the surface impoundments for a vehicle or equipment wash facility for 10 years
A.A.C. R18-9-D303(F)(3)	Failure to make a required monitoring result associated with the surface impoundments for a vehicle or equipment wash facility available to ADEQ upon request
A.A.C. R18-9-D303(G)	Failure to notify ADEQ of the intent to close permanently an impoundment for a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to remove any solid residue on the liner material and dispose of it appropriately within 90 days following a closure notification for a surface impoundment associated with a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to notify ADEQ and submit an action plan for ADEQ's approval within 60 days when soil remediation levels have been exceeded at a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to cover a liner in place or remove it for disposal or reuse following closure of an excavated impoundment associated with a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to remove and dispose of a liner elsewhere following closure of a bermed impoundment associated with a vehicle or equipment wash facility

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D303(G)	Failure to grade the facility to prevent the impoundment of water following closure of a surface impoundment associated with a vehicle or equipment wash facility
A.A.C. R18-9-D303(G)	Failure to notify ADEQ within 60 days following closure of a surface impoundment associated with a vehicle or equipment wash facility that an action plan has been implemented and the closure is complete
A.A.C. R18-9-D303(G)	Failure to grade a vehicle or equipment wash facility to prevent impoundment of water when no liner has been used
A.A.C. R18-9-D304(D)(4)	Failure to report to ADEQ cracks, tears, or perforations in the liner in a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(D)(5)	Failure to remove process solution from a non-storm water impoundment at a mining site as soon as practical, but no later than 60 days after cessation of an upset
A.A.C. R18-9-D304(D)(6)	Failure to remove process solution from a non-storm water impoundment at a mining site as soon as practical after a rainfall.
A.A.C. R18-9-D304(E)(1)	Failure to maintain construction or as-built drawings for a non-storm water impoundment at a mining site for 10 years
A.A.C. R18-9-D304(E)(1)	Failure to make construction or as-built drawings for a non-storm water impoundment at a mining site available to ADEQ upon request
A.A.C. R18-9-D304(E)(2)	Failure to make a log book or similar documentation for a non-storm water impoundment at a mining site to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request
A.A.C. R18-9-D304(E)(3)	Failure to maintain capacity design criteria for a non-storm water impoundment at a mining site for 10 years
A.A.C. R18-9-D304(E)(3)	Failure to make capacity design criteria for a non-storm water impoundment at a mining site available to ADEQ upon request
A.A.C. R18-9-D304(E)(4)	Failure to maintain a list of standard operating procedures for a non-storm water impoundment at a mining site for 10 years
A.A.C. R18-9-D304(E)(4)	Failure to make a list of standard operating procedures for a non-storm water impoundment at a mining site available to ADEQ upon request
A.A.C. R18-9-D304(E)(5)	Failure to maintain Quality Assurance/Quality Control program documentation for a non-storm water impoundment at a mining site for 10 years
A.A.C. R18-9-D304(E)(5)	Failure to make Quality Assurance/Quality Control program for a non-storm water impoundment at a mining site documentation available to ADEQ upon request

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D304(E)(6)	Failure to make records of an unauthorized inflow into a non-storm water impoundment at a mining site available to ADEQ upon request.
A.A.C. R18-9-D304(F)(1)	Failure to submit a final report to ADEQ within 60 days of discovering a liner breach in a non-storm water impoundment at a mining site summarizing the circumstances of the problem and corrective actions taken.
A.A.C. R18-9-D304(F)(1)	Failure to submit a final report to ADEQ within 60 days of discovering a breach in a non-storm water impoundment at a mining site summarizing the circumstances of the problem and corrective actions taken.
A.A.C. R18-9-D304(F)(1)	Failure to submit a final report to ADEQ within 60 days of discovering a liner breach in a non-storm water impoundment at a mining site summarizing the circumstances of the problem and corrective actions taken
A.A.C. R18-9-D304(G)	Failure to notify ADEQ of the intent to permanently close a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(1)	Failure to remove any solid residue on the liner material and dispose of it appropriately within 90 days following a closure notification for a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(3)	Failure to remove a liner in an area of suspected leakage and sample potentially impacted soil within 90 days following a closure notification for a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(3)	Failure to notify ADEQ and submit an action plan for ADEQ's approval within 60 days when soil remediation levels have been exceeded in a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(4)(a)	Failure to cover a liner in place or remove it for disposal or reuse following closure of an excavated non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(4)(b)	Failure to remove and dispose of a liner elsewhere following closure of a bermed non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(4)(c)	Failure to grade the facility to prevent the impoundment of water following closure of a non-storm water impoundment at a mining site
A.A.C. R18-9-D304(G)(5)	Failure to notify ADEQ within 60 days following closure of a non-storm water impoundment at a mining site that an action plan has been implemented and the closure is complete
A.A.C. R18-9-D305(D)(1)	Failure to manage a disposal wetland to minimize vector problems
A.A.C. R18-9-D305(D)(2)	Failure to implement a Best Management Practices Plan for operation of a disposal wetland
A.A.C. R18-9-D305(D)(3)	Failure to correct a problem noted during a quarterly inspection of a disposal wetland
A.A.C. R18-9-D305(E)(1)	Failure to maintain construction or as-built drawings for a disposal wetland for 10 years

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D305(E)(1)	Failure to make construction or as-built drawings for a disposal wetland available to ADEQ upon request
A.A.C. R18-9-D305(E)(2)	Failure to make a log book or similar documentation for a disposal wetland to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request
A.A.C. R18-9-D305(F)	Failure to provide ADEQ with an annual assessment of the biological condition of a disposal wetland
A.A.C. R18-9-D305(F)	Failure to provide ADEQ with the volume of inflow to a disposal wetland for the past year
A.A.C. R18-9-D306(D)(1)	Failure to include nutrients or other constituents used as indicators of wetland performance when monitoring water leaving a wetlands to treat acid rock drainage
A.A.C. R18-9-D306(D)(2)	Failure to implement a Best Management Practices Plan for operation of a wetland to treat acid rock drainage
A.A.C. R18-9-D306(D)(3)	Failure to correct a problem noted during a quarterly inspection of a wetland to treat acid rock drainage.
A.A.C. R18-9-D306(E)(1)	Failure to maintain construction or as-built drawings for a wetland to treat acid rock drainage for 10 years
A.A.C. R18-9-D306(E)(1)	Failure to make construction or as-built drawings for a wetland to treat acid rock drainage available to ADEQ upon request
A.A.C. R18-9-D306(E)(2)	Failure to make a log book or similar documentation for a wetland to treat acid rock drainage to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request
A.A.C. R18-9-D306(F)(2)	Failure to notify ADEQ that a contingency plan is being implemented when final laboratory result confirm that the quality of the water leaving a wetlands to treat acid rock drainage does not meet the applicable standards
A.A.C. R18-9-D306(F)(3)	Failure to provide ADEQ with an annual assessment of the biological condition of a wetland to treat acid rock drainage
A.A.C. R18-9-D306(F)(3)	Failure to provide ADEQ with the volume of inflow to a wetland to treat acid rock drainage in the past year
A.A.C. R18-9-D307(C)(11)	Failure to ensure that operation of a tertiary treatment wetland is consistent with local zoning and land use requirements.
A.A.C. R18-9-D307(D)(1)	Failure to implement an approved Best Management Practices Plan for a tertiary treatment wetland
A.A.C. R18-9-D307(D)(2)	Failure to ensure that an analysis of wastewater samples leaving a tertiary treatment wetland are conducted by a laboratory certified by the Arizona Department of Health Services,

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-D307(D)(2)	Failure to follow ADEQ's Quality Assurance/Quality Control requirements when conducting an analysis of wastewater samples leaving a tertiary treatment wetland
A.A.C. R18-9-D307(D)(4)	Failure to correct a problem discovered during a quarterly inspection of a tertiary treatment wetland
A.A.C. R18-9-D307(E)(1)	Failure to maintain construction or as-built drawings for a tertiary treatment wetland for 10 years
A.A.C. R18-9-D307(E)(1)	Failure to make construction or as-built drawings for a tertiary treatment wetland available to ADEQ upon request
A.A.C. R18-9-D307(E)(2)	Failure to make a log book or similar documentation for a tertiary treatment wetland to record inspection results, repair and maintenance activities, monitoring results, and facility closure available to ADEQ upon request
A.A.C. R18-9-D307(F)	Failure to provide ADEQ with an annual assessment of the biological condition of a tertiary treatment wetland
A.A.C. R18-9-D307(F)	Failure to provide ADEQ with the volume of inflow to a tertiary treatment wetland in the past year
A.A.C. R18-9-E301(B)(2)	Failure to minimize sedimentation, blockage, or erosion through maintenance of proper flow velocities throughout a sewage collection system
A.A.C. R18-9-E301(B)(5)	Failure to provide for adequate inspection, maintenance, testing, visibility, or accessibility for a sewage collection system
A.A.C. R18-9-E301(F)(1)	Failure to maintain or revise an operation and maintenance plan at the system control for a sewage collection system that has a design flow of more than 10,000 gallons per day center
A.A.C. R18-9-E301(F)(1)	Failure to maintain or revise an operation and maintenance plan at the system control center for a sewage collection system that includes a force main and lift station
A.A.C. R18-9-E301(F)(2)	Failure to ensure that an operation and maintenance plan is the basis for operation and continuing maintenance of a sewer collection system
A.A.C. R18-9-E303(C)(2)	Failure to properly manage gray water from a composting toilet
A.A.C. R18-9-E303(C)(3)	Failure to prevent vectors associated with a composting toilet
A.A.C. R18-9-E303(F)(1)	Failure to provide adequate mixing, ventilation, temperature control, moisture, or bulk to reduce fire hazard and prevent anaerobic conditions in a composting toilet
A.A.C. R18-9-E303(F)(2)	Failure to follow the manufacturer's recommendations regarding use of an organic bulking agent to control liquid drainage, promote aeration, or provide additional carbon in a composting toilet

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E303(F)(3)	Failure to follow the manufacturer's recommendations for operation, maintenance, and recordkeeping regarding rotating tines used to control the movement of material to the bottom of a composting chamber
A.A.C. R18-9-E303(F)(4)	Failure to place a new container in the composting toilet area when the previous one was full for a batch system container that is mounted on a carousel
A.A.C. R18-9-E303(F)(5)	Failure to ensure that only human waste is introduced to a composting tank
A.A.C. R18-9-E303(F)(5)	Failure to ensure that only paper approved for septic tank use is introduced to a composting tank
A.A.C. R18-9-E303(F)(5)	Failure to ensure that only the amount of bulking material required for proper maintenance is introduced to a composting tank
A.A.C. R18-9-E303(F)(5)	Failure to immediately remove all non-approved materials or trash from a composting toilet
A.A.C. R18-9-E303(F)(6)	Failure to ensure that liquid end product that does not evaporate is sprayed back onto composting waste material or removed by a permitted or licensed waste hauler
A.A.C. R18-9-E303(F)(7)	Failure to remove and dispose of composted waste, at least annually, using a permitted or licensed waste hauler when the waste is not placed in a disposal area for burial
A.A.C. R18-9-E303(F)(8)	Failure to take measures to assure that moisture is maintained to sustain bacterial activity in a composting toilet before ending use for an extended period
A.A.C. R18-9-E303(F)(8)	Failure to take measures to assure that free liquids in a composting toilet tank do not freeze before ending use for an extended period
A.A.C. R18-9-E303(F)(9)	Failure to empty the composting tank of solid end product as designed after an extended period of non-use
A.A.C. R18-9-E304(B)(1)	Failure to ensure that a pressure distribution system has ADEQ-approved dispersing components that provide proper dispersal of wastewater so that loading rates are optimized for the particular system
A.A.C. R18-9-E304(B)(2)	Failure to ensure that a pressure distribution system prevents ponding on the land surface.
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a pressure distribution system

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a pressure distribution system
A.A.C. R18-9-E304(G) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a pressure distribution system
A.A.C. R18-9-E304(G)(3)	Failure to maintain the finish grade for proper surface drainage for a pressure distribution system
A.A.C. R18-9-E304(G)(3)	Failure to observe the finish grade for proper surface drainage for a pressure distribution system
A.A.C. R18-9-E304(G)(3)	Failure to observe the levelness of the tank for differential settling for a pressure distribution system
A.A.C. R18-9-E304(G)(3)	Failure to grade the facility to maintain surface drainage when there is settling for a pressure distribution system
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a gravelless trench

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a gravelless trench
A.A.C. R18-9-E305(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a gravelless trench
A.A.C. R18-9-E306(C)(2)	Failure to ensure that a natural seal evapotranspiration bed maximizes wastewater disposed to the atmosphere by evapotranspiration
A.A.C. R18-9-E306(C)(3)	Failure to ensure that a natural seal evapotranspiration bed maintains an interval of unsaturated media directly beneath the bed surface
A.A.C. R18-9-E307(C)(2)	Failure to ensure that a lined evapotranspiration bed attains full disposal of wastewater to the atmosphere by evapotranspiration
A.A.C. R18-9-E307(C)(3)	Failure to ensure that a lined evapotranspiration bed maintains an interval of unsaturated media directly beneath the bed surface
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a Wisconsin mound

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a Wisconsin mound
A.A.C. R18-9-E308(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a Wisconsin mound
A.A.C. R18-9-E308(F)(3)	Failure to specify servicing and waste disposal procedures or task schedules necessary for clearing the main pressurized wastewater line and secondary distribution lines, septic tank effluent filter, pump intake, and controls for a Wisconsin mound
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for an engineered pad system

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for an engineered pad system
A.A.C. R18-9-E309(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for an engineered pad system
A.A.C. R18-9-E309(F)	Failure to promptly repair a backfill cover found to have physical damage or erosion for an engineered pad system
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for an intermittent sand filter
A.A.C. R18-9-E310(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a peat filter

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch or float for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a peat filter
A.A.C. R18-9-E311(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a peat filter
A.A.C. R18-9-E311(F)	Failure to perform maintenance of the finish grade over a peat filter when needed
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch or float for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a textile filter

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a textile filter
A.A.C. R18-9-E312(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a textile filter
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for an aerobic system with subsurface disposal for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for an aerobic system with subsurface disposal
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for an aerobic system with subsurface disposal

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E315(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for an aerobic system with subsurface disposal
A.A.C. R18-9-E316(C)(3)	Failure to use a sprinkler, bubbler heads, or other components that provide dispersal to optimize wastewater loading rates and prevent ponding on the land surface from an aerobic system with surface disposal
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a cap system
A.A.C. R18-9-E317(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a cap system
A.A.C. R18-9-E317(F)	Failure to repair a cap fill or other surface features as needed to ensure proper disposal function, proper drainage of surface water, and prevention of damaging loads on the cap
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a sand lined trench system

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a sand lined trench system
A.A.C. R18-9-E319(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a sand lined trench system
A.A.C. R18-9-E319(F)(1)	Failure to ensure that the septic tank filter and pump tank are cleaned for a sand lined trench system
A.A.C. R18-9-E319(F)(2)	Failure to ensure that a dosing tank pump screen, pump switches, or float is cleaned yearly for a sand lined trench system
A.A.C. R18-9-E319(F)(2)	Failure to ensure that residue from a dosing tank pump screen, pump switch, or float has been disposed of for a sand lined trench system
A.A.C. R18-9-E319(F)(3)	Failure to ensure that lateral lines are flushed for a sand lined trench system
A.A.C. R18-9-E319(F)(3)	Failure to ensure that the liquid waste from the flushing of later lines is discharged into the treatment system headworks for a sand lined trench system
A.A.C. R18-9-E320(D)(1)	Failure to ensure that a disinfection device relying upon the addition of chemicals for disinfection is operated to minimize the discharge of disinfection chemicals while achieving the required level of disinfection

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)	Failure to meet the requirements specified in an Operation and Maintenance Plan for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(2)	Failure to clean or backwash an effluent filter for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(2)	Failure to return effluent filter cleaning water to the pretreatment headworks for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(3)	Failure to properly dispose of effluent baffle screen or pump tank cleaning residue for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(4)	Failure to clean a dosing tank effluent screen, pump switch, or float for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(4)	Failure to properly dispose of dosing tank effluent screen, pump switches, or floats cleaning residue for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(5)	Failure to flush lateral lines for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(5)	Failure to return later line flush water to the pretreatment headworks for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(7)	Failure to rod pressurized wastewater delivery lines or secondary distribution lines for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(7)	Failure to return pressurized wastewater delivery line or secondary distribution line cleaning water to the pretreatment headworks for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(8)	Failure to return pump inlet or controls cleaning water to the pretreatment headworks for a subsurface drip irrigation disposal system
A.A.C. R18-9-E322(F) A.A.C. R18-9-A313(B)(9)	Failure to implement corrective measures when anomalous ponding, dryness, noise, odor, or differential settling is observed for a subsurface drip irrigation disposal system
A.A.C. R18-9-E323(D)(1)	Failure to provide ADEQ with a complete annual form signed by the certified operator or service company for an on-site wastewater treatment facility
A.A.C. R18-9-E323(D)(2)	Failure to pay the applicable fee for an on-site wastewater treatment facility
A.A.C. R18-9-402(1)	Failure to limit application of nitrogen fertilizer so that it meets projected crop plant needs
A.A.C. R18-9-402(2)	Failure to time application of nitrogen fertilizer to coincide to maximum crop plant uptake
A.A.C. R18-9-402(3)	Failure to apply nitrogen fertilizer by a method designed to deliver nitrogen to the area of maximum crop plant uptake

CITATION	DESCRIPTION OF MINOR VIOLATION - WATER POLLUTION
A.A.C. R18-9-402(5)	Failure to use tillage practices that maximize water and nitrogen uptake by crop plants.

ARIZONA'S ADMINISTRATIVE/CIVIL/CRIMINAL ENVIRONMENTAL ENFORCEMENT AUTHORITIES

Program	Administrative Order Authority	Administrative Order Violation Penalty Authority (Maximum)	Civil Injunction Authority	Civil Penalty Authority (Maximum)	Administrative Penalty Authority (Maximum)	Criminal Sanctions	Suspension or Revocation Authority
Air Quality (Ag. General Permit)	A.R.S. § 49-457(I) A.R.S. § 49-457(J)	None	None	None	None	None	A.R.S. § 49-457(K)
Air Quality (Monitoring)	A.R.S. § 49-422(C)	A.R.S. § 49-463 \$10,000/day/violation	A.R.S. § 49-462 (order enforcement)	A.R.S. § 49-463(A) \$10,000/day/violation	None	A.R.S. § 49-464	N/A
Air Quality (Generally)	A.R.S. § 49-461	A.R.S. § 49-463 \$10,000/day/violation	A.R.S. § 49-462	A.R.S. § 49-463(A) \$10,000/day/violation	None	A.R.S. § 49-464	Specified in Permit
Air Quality (Conditional Order)	None	None	None	None	None	None	A.R.S. § 49-441
Disclosure of Violations Certificate	A.R.S. § 49-110(A)	A.R.S. § 49-110(E) \$1,000/day/violation up to \$25,000	None	None	None	None	N/A
Drinking Water	A.R.S. § 49-354(B)	None	A.R.S. § 49-354(H)	A.R.S. § 49-354(G) \$500/day/violation	A.R.S. § 49-354(C) varies by system size	A.R.S. § 49-354(A)	N/A
Dry Wells	A.R.S. § 49-334(A)	None	A.R.S. § 49-334(B)	None	None	None	N/A
Dry Wells (Driller Licence)	None	None	None	None	None	None	A.R.S. § 49-333(D)
Greenfields (No Further Action)	None	None	None	None	None	None	A.R.S. § 49-155(D)
Hazardous Waste	A.R.S. § 49-923(A)	A.R.S. § 49-923(B) A.R.S. § 49-924 \$25,000/day/violation	A.R.S. § 49-923(D)	A.R.S. § 49-924 \$25,000/day/violation	A.R.S. § 49-923(B) \$1,000/day/violation (order violations)	A.R.S. § 49-925	A.R.S. § 49-924(C)
Lead Acid Batteries	A.R.S. § 44-1324 A.R.S. § 49-142(A)	None	A.R.S. § 44-1324 A.R.S. § 49-142(C)	A.R.S. § 44-1324 \$500/violation	None	None	N/A
Medical Waste	A.R.S. § 49-781	A.R.S. § 49-783(B) \$1,000/day/violation to \$15,000/violation	A.R.S. § 49-783(A)	A.R.S. § 49-768 \$10,000/day/violation	None	A.R.S. § 49-791	N/A
Nuisance	A.R.S. § 49-142(A)	None	A.R.S. § 49-142(C)	None	None	None	N/A

Program	Administrative Order Authority	Administrative Order Violation Penalty Authority (Maximum)	Civil Injunction Authority	Civil Penalty Authority (Maximum)	Administrative Penalty Authority (Maximum)	Criminal Sanctions	Suspension or Revocation Authority
Operator Certification	None	None	None	None	None	None	A.A.C. R18-5-109
Pesticides	None	None	None	A.R.S. § 49-304(A) \$10,000/day/violation	None	None	A.R.S. § 49-309(A)
Pollution Prevention	A.R.S. § 49-964(F)	None	A.R.S. § 49-964(H)	None	None	None	N/A
Remediation Standards Engineering Controls	None	None	A.R.S. § 49-152(I)	None	None	None	N/A
Solid Waste	A.R.S. § 49-781	A.R.S. § 49-783(B) \$1,000/day/violation to \$15,000/violation	A.R.S. § 49-783(A)	A.R.S. § 49-783 \$1,000/day/violation to \$15,000/violation	None	A.R.S. § 49-791	A.R.S. § 49-782(A)
Solid Waste (Restrictive Covenant)	None	None	None	None	None	None	A.R.S. § 49-771(B)
Special Waste	A.R.S. § 49-862	A.R.S. § 49-861(B) \$10,000/day/violation	A.R.S. § 49-862(B) A.R.S. § 49-862(C)	A.R.S. § 49-861(B) \$10,000/day/violation	None	A.R.S. § 49-861(A)	N/A
Used Oil	A.R.S. § 49-812(A)	None	A.R.S. § 49-812(B) A.R.S. § 49-812(C)	A.R.S. § 49-811 \$10,000/day/violation	None	A.R.S. § 49-810	N/A
UST	A.R.S. § 49-1013(A)	A.R.S. § 49-1013(B) \$25,000/day/violation	A.R.S. § 49-1013(H)	A.R.S. § 49-1013(B) \$25,000/day/violation A.R.S. § 49-1013(C) \$10,000/day/violation A.R.S. § 49-1013(D) \$10,000/day/violation	None	None	N/A
UST (Service Certification)	None	None	None	None	None	None	A.R.S. § 49-1082(D)
VEI	None	None	None	A.R.S. § 49-550(E) varies by history A.R.S. § 49-550(F) varies by history	None	A.R.S. § 49-550(A) A.R.S. § 49-550(B) A.R.S. § 49-550(C) A.R.S. § 49-550(D)	A.R.S. § 49-546(F)

Program	Administrative Order Authority	Administrative Order Violation Penalty Authority (Maximum)	Civil Injunction Authority	Civil Penalty Authority (Maximum)	Administrative Penalty Authority (Maximum)	Criminal Sanctions	Suspension or Revocation Authority
Waste Tires	A.R.S. § 44-1307 A.R.S. § 49-142(A)	None	A.R.S. § 44-1307 A.R.S. § 49-142(C)	A.R.S. § 44-1307 \$500/violation (tire)	None	A.R.S. § 44-1304.01	N/A
Water Pollution Control (APP/Standards AZPDES/ Biosolids)	A.R.S. § 49-261	A.R.S. § 49-262(C) \$25,000/day/violation	A.R.S. § 49-261 A.R.S. § 49-262(A) A.R.S. § 49-262(B)	A.R.S. § 49-262(C) \$25,000/day/violation	None	A.R.S. § 49-263	Specified in Permit (Individual APP) A.R.S. § 49-245(B) (Misc. General APP) A.R.S. § 49-247(G) (Agriculture) A.R.S. § 49-245.01(B) (Storm water) A.R.S. § 49-245.02(B) (Man-made water body) A.A.C. R18-9-B906(C) (AZPDES)
Water Pollution Control (Reuse)	A.R.S. § 49-261	A.R.S. § 49-262(C) \$5,000/day/violation	A.R.S. § 49-261 A.R.S. § 49-262(A) A.R.S. § 49-262(B)	A.R.S. § 49-262(C) \$5,000/day/violation	None	A.R.S. § 49-263	Specified in Permit
WQARF (Settlement)	None	None	None	None	None	None	A.R.S. § 49-287.05(C)
WQARF (Information Gathering/Access)	A.R.S. § 49-288(E)	A.R.S. § 49-288(G) \$5,000/day/violation	A.R.S. § 49-288(F)	A.R.S. § 49-288(G) \$5,000/day/violation	None	None	N/A
WQARF (Hazardous Substance Remediation)	A.R.S. § 49-287(E)(3)	A.R.S. § 49-287(J) \$5,000/day/violation	A.R.S. § 49-287(E)(2) A.R.S. § 49-287(I)	A.R.S. § 49-287(J) \$5,000/day/violation A.R.S. § 49-287(J) treble damages	None	None	N/A
WQARF (Non-Hazardous Substance Mitigation)	A.R.S. § 49-286(A)	None	A.R.S. § 49-286(C) A.R.S. § 49-261	None	None	None	N/A

ARIZONA'S ENVIRONMENTAL INSPECTION AUTHORITIES

Program	Inspection Authority	What Can Be Inspected	To Determine Compliance With:
All	A.R.S. § 49-104(B)(8)	Any premises where there is reasonable cause to believe that a violation of any environmental law or rule exists or is being committed	A.R.S. Title 49 A.A.C. Title 18
All	Permit	Varies by Permit	Permit
Air Quality (Monitoring Devices)	A.R.S. § 49-432(B)	Air contaminant monitoring devices	A.R.S. Title 49, Ch. 3, Art. 2 A.A.C. Title 18, Ch. 2
Air Quality (Generally)	A.R.S. § 49-424(5)	Any building, structure, facility or installation that may cause or contribute to air pollution or the use of which may eliminate, reduce or control the emission of air pollution	A.R.S. Title 49, Ch. 3, Art. 2 A.A.C. Title 18, Ch. 2
Biosolids (Generally)	A.A.C. R18-9-1015	Property, biosolids pathogen and vector treatment facilities, transportation vehicles, and land application sites subject to regulation under A.A.C. Title 18, Ch. 9, Art. 10	A.A.C. Title 18, Ch. 9, Art. 10
Biosolids (Records)	A.A.C. R18-9-1013(C)	All records required for retention under A.A.C. R19-9-1013	A.A.C. Title 18, Ch. 9, Art. 10
Drinking Water (Sanitary Survey)	A.A.C. R18-4-118	Public water systems not in compliance with A.A.C. Title 18, Ch. 4; or that pose a threat to public health due to defective design, lack of treatment, inadequacy of source, poor maintenance, inadequate records, ineffective operation; or that the water is unsatisfactory for use	A.R.S. Title 49, Ch. 2, Art. 9 A.A.C. Title 18, Ch. 4
Hazardous Waste	A.A.C. R18-8-280(A)	Any place where hazardous wastes are or have been generated, stored, treated, disposed, or transported from, including records, facilities, equipment, practices, operations, wastes, and containers	A.R.S. Title 49, Ch. 5, Art. 2 A.A.C. Title 18, Ch. 8, Art. 2
Human Excreta	A.A.C. R18-8-606	All buildings or structures, processes or vehicles used for the storage, collection, and disposal of human excreta	A.A.C. Title 18, Ch. 8, Art. 6
Nuisance	A.R.S. § 49-144	Any building, structure or other property	A.R.S. Title 49, Ch. 1, Art. 3
Remediation Standards Engineering Controls	A.R.S. § 49-152(I)	Property containing an engineering control for meeting a remediation standard	A.R.S. § 49-152

Program	Inspection Authority	What Can Be Inspected	To Determine Compliance With:
Solid Waste (Generally)	A.R.S. § 49-763	Solid waste facilities and sites that store, treat or process recyclable solid waste	A.R.S. § 49-762.07(F)
Solid Waste (Refuse)	A.A.C. R18-13-304	Any premises, container, process, equipment, or vehicle used for collection, storage, transportation, disposal, or reclamation of refuse	A.A.C. Title 18, Ch. 13, Art. 3
Special Waste (Generally)	A.R.S. § 49-865	Facilities that manage special waste, including premises and equipment	A.R.S. Title 49, Ch. 4, Art. 9 A.A.C. Title 18, Ch. 13, Art. 13
Special Waste (Reporting)	A.R.S. § 49-860(D)	Special waste facilities and records	A.R.S. § 49-860
Swimming Pools	A.A.C. R18-5-250	Public or semipublic swimming pool or spa	A.A.C. Title 18, Ch. 5, Art. 2
Used Oil	A.R.S. § 49-817	Any commercial, nonprofit or governmental premises	A.R.S. Title 49, Ch. 4, Art. 7
UST	A.R.S. § 49-1011	Underground storage tanks, associated equipment, records, soil, air, water, tank contents	A.R.S. Title 49, Ch. 6
VEI (Fleet emissions)	A.R.S. § 49-546(F)	Fleet emissions inspection stations	A.R.S. Title 49, Ch. 3, Art. 5 A.A.C. Title 18, Ch. 2, Art. 10
VEI (ADEQ Contractors)	Specified in Emissions Inspection Agreement	Contracted emissions inspection stations	A.R.S. Title 49, Ch. 3, Art. 5 A.A.C. Title 18, Ch. 2, Art. 10
Waste Tires	A.A.C. R18-13-1208	Mining facilities	A.A.C. Title 18, Ch. 13, Art. 12
Water Pollution Control (APP/Standards/AZPDES/Biosolids/Reuse)	A.R.S. § 49-203(B)(1)	Any property from which a discharge has occurred or is occurring, including the related records, equipment, activities, facilities, and monitoring devices	A.R.S. Title 49, Ch. 2 A.A.C. Title 18, Ch. 9 A.A.C. Title 18, Ch. 11
WQARF	A.R.S. § 49-288(C)	Any facility or place which has been or may be related to a release or threatened release of a hazardous or regulated substance	N/A

APPENDIX M7

POTENTIAL ARIZONA LEGAL AUTHORITIES/VIOLATIONS ASSOCIATED WITH SPILLS

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Aquifer Protection Permit	A.R.S. § 49-241 (A)	Any source	Land surface (if reasonable probability of reaching aquifer); ¹	None	Discharge ¹	Permitted activities; <i>See</i> A.R.S. § 49-250	Pollutant ²	Inert Material ³
	A.R.S. § 49-241(B)		Surface impoundment; ⁴ Solid waste disposal facility; Injection well; ⁵ Land treatment facility; Dry well; ⁶ Mine tailings piles and ponds; Navigable waters ⁷	Sewer; Inspectible/non-leaking structures; Municipal solid waste landfill with approved facility plan; Livestock ponds	Operate			

¹The addition of a pollutant from a facility either directly to an aquifer or to the land surface or the vadose zone in such a manner that there is a reasonable probability that the pollutant will reach the aquifer. [A.R.S. § 49-201\(12\)](#).

²Fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substance. [A.R.S. § 49-201\(28\)](#).

³Broken concrete, asphaltic pavement, manufactured asbestos-containing products, brick, rock, gravel, sand and soil. Also includes material that when subjected to a water leach test that is designed to approximate natural infiltrating waters will not leach substances in concentrations that exceed numeric aquifer water quality standards, including overburden and wall rock that is not acid generating, taking into consideration acid neutralization potential, and that has not and will not be subject to mine leaching operations. [A.R.S. § 49-201\(19\)](#).

⁴A Pit, pond, or lagoon with a surface dimension equal to or greater than its depth, and used for the storage, holding, settling, treatment or discharge of liquid pollutants or pollutants containing free liquids. [A.A.C. R18-9-101\(27\)](#).

⁵A bored, drilled or driven shaft, pit or hole whose depth is greater than its largest surface dimension that receives a discharge through pressure injection or gravity flow. [A.R.S. § 49-201\(41\)](#) and [A.A.C. R18-9-101\(14\)](#).

⁶A well which is bored, drilled or driven shaft or hole whose depth is greater than its width and is designed and constructed specifically for the disposal of storm water. [A.A.C. R18-9-101\(11\)](#).

⁷Waters of the United States as defined by § 502(7) of the clean water act ([33 United States Code § 1362\(7\)](#)). [A.R.S. § 49-201\(21\)](#).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Criminal Littering ⁸	A.R.S. § 13-1603(A)(1)	Any source	Public property or property of another which is not a lawful dump;	None	Throws, places, drops or permits to be dropped and does not immediately remove	Lawful authority	Litter, destructive or injurious material	None
	A.R.S. § 13-1603(A)(2)		Waters or shorelines within the state		Discharges, or permits to be discharged		Sewage, oil products, other harmful substances	
	A.R.S. § 13-1603(A)(3)		Any land		Dump		Earth, soil, stones, ores, or minerals	
AZPDES	A.R.S. § 49-255.01(A)	Point source ⁹	Navigable waters ¹⁰	Non-navigable waters Non-point source	Discharge ¹¹	Irrigation return flows	Pollutant ¹²	None
RCRA Citizen Suit ¹³	42 USC § 6972(a)(1)(B) (Section 7002 of RCRA)	Any source	Any location	None	Handling, storage, treatment, transport, disposal which may present imminent and substantial endangerment	EPA has commenced and is diligently prosecuting enforcement action, including CERCLA removal actions, CERCLA RI/FS, CERCLA Order/Decree, suit must be consistent with WQARF	Solid or hazardous waste	Non-solid waste

⁸Not directly enforceable by ADEQ. Requires a referral to the Arizona Attorney General's Office or the appropriate County Attorney's Office.

⁹Any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged to navigable waters. [A.R.S. § 49-201\(27\)](#).

¹⁰Waters of the United States as defined by section 502(7) of the clean water act ([33 U.S.C. § 1362\(7\)](#)). [A.R.S. § 49-201\(21\)](#).

¹¹Addition of any pollutant to navigable waters from any point source. [A.R.S. § 49-255\(2\)](#).

¹²Fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. § 49-201\(28\)](#).

¹³Must be consistent with Chapter 2, Article 5 of the Arizona Revised Statutes. [A.R.S. § 49-287](#).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Hazardous Waste	A.A.C. R18-8-270(B)(1)	Any source	Any un-permitted location	None	Treatment, storage, ¹⁴ or disposal ¹⁵	Permitted activity; Interim status;	Hazardous waste ¹⁶	Non-hazardous waste
	A.A.C. R18-8-270(B)(2)		Waters of the state, ¹⁷ injection well, ditch, alleyway, storm drain, leach field, or roadway	Surface impoundment	Direct disposal or discharge	None		

¹⁴Holding of hazardous waste for a temporary period, the end of which the hazardous waste is treated, disposed of, or stored elsewhere. 40 CFR § 260.10 (incorporated by reference at [A.A.C. R18-8-260](#)).

¹⁵Discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water such that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. 40 CFR § 260.10 (incorporated by reference at [A.A.C. R18-8-260](#)).

¹⁶See 40 CFR § 261.3 (incorporated by reference at [A.A.C. R18-8-261](#)) for the definition of hazardous waste.

¹⁷All waters within the jurisdiction of this state including all perennial or intermittent streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, aquifers, springs, irrigation systems, drainage systems and other bodies or accumulations of surface, underground, natural, artificial, public or private water situated wholly or partly in or bordering on the state. [A.R.S. § 29-201\(40\)](#).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Solid Waste	A.R.S. § 49-762	Any source	Solid waste land disposal ¹⁸ facility; Biosolids ¹⁹ processing facility; Medical waste ²⁰ facility; Special waste ²¹ facility; Municipal solid waste landfill; ²² Commercial or government owned household waste composting facility	None	Own or operate	None	Solid waste ²³	Non-solid waste ²⁴
	A.R.S. § 49-762.08	Solid waste facility ²⁵	Surface water, groundwater, or subsurface soil		Release ²⁶ violating or resulting from violation of 49-762.07 or causing/ threatening to cause adverse effect	Groundwater impacted by off-site source; Release from facility subject to 40 CFR Part 257 or 258; Release from UST;	Any	Petroleum if subject to UST corrective action, or remains on-site

¹⁸Placement of solid waste in or on land. [A.R.S. § 49-701\(16\)](#).

¹⁹See A.A.C. R18-13-1502(7) for the definition of biosolids (and exemptions).

²⁰Any solid waste which is generated in the diagnosis, treatment or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, and includes discarded drugs but does not include hazardous waste as defined in section 49-921 other than conditionally exempt small quantity generator waste. [A.R.S. § 49-701\(19\)](#).

²¹Waste that contains petroleum contaminated soils; or wastes from shredding motor vehicles. [A.R.S. § 49-852\(A\)](#).

²²Any solid waste landfill that accepts household waste, household hazardous waste or conditionally exempt small quantity generator waste. [A.R.S. § 49-701\(20\)](#).

²³See [A.R.S. § 49-701.01\(A\)](#) for a definition of a solid waste.

²⁴See A.R.S. §§ [49-701.01\(B\)](#) and [49-701.02\(A\)](#) for exemptions from solid waste.

²⁵See [A.R.S. § 49-701\(29\)](#) for a definition of a solid waste facility.

²⁶Spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. [A.R.S. § 49-281\(11\)](#).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
	A.R.S. § 49-773	Non-natural person ²⁷	Solid waste landfill ²⁸	Facility meeting Clean Water Act requirements, and 40 CFR 257 and 258, or issued plan approval; Surface impoundment; Injection well; Compost pile or waste pile or an area containing on-site generated coal ash that does not contain hazardous waste.	Disposal	None	Solid waste	Non-solid waste
Used Oil	A.R.S. § 49-803(A)(1)	Any Source	Sewers or waters of the state	None	Discharge	Permitted activity	Used oil	None
	A.R.S. § 49-803(A)(3)		Land	Landfill subject to 40 CFR Part 257 or 258	Disposal	Normal minimal leakage from properly maintained vehicles/equipment		
UST	A.R.S. § 49-1005	UST ²⁹	Groundwater, surface water, or soils	Farm tank <1,100 gallons; Residential tank <1,100 gallons; Heating oil tank; Septic tank; Pipeline regulated under natural gas pipeline safety act; Pipeline regulated under hazardous liquid pipeline safety act; Intrastate pipeline; Surface impoundment; Stormwater collection system; Wastewater collection system; Flow-through process tank; Tank in underground area above surface of floor;	Release ³⁰	None	Regulated Substance ³¹	

²⁷ Any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, departments, political subdivisions, counties, towns or municipal corporations. [A.R.S. § 49-701\(23\)](#).

²⁸ A facility, area of land or excavation in which solid wastes are placed for permanent disposal. [A.R.S. § 49-701\(30\)](#).

²⁹ A tank or combination of tanks and underground pipes and impact valves connected to tanks being used or having been used to contain regulated substances and which have at least 10% of the total volume of the tank and underground portions of pipes connected to the tank underground. [A.R.S. § 49-1001\(18\)](#).

³⁰ Spill, leak, emission, discharge, escape, leach or disposal of a regulated substance from a UST into groundwater, surface water or soils. [A.R.S. § 49-1001\(15\)](#).

³¹ Petroleum, including crude oil or any fraction of crude oil, which is liquid at 60°F and 14.7 lb/in² absolute, and petroleum based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, residual fuel oils, lubricants, jet fuels, distillate fuel oils, petroleum solvents and used oils; or a substance specified in CERCLA but not a hazardous waste. [A.R.S. § 41-1001\(14\)](#).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Voluntary Remediation	A.R.S. § 49-172(A)	Any source	Environment	WQARF registry sites	Release	Corrective action at a RCRA permitted or interim status facility; UST corrective action; Actions required by: agreement with ADEQ, civil judgment or decree, or administrative order; Actions sought in civil complaint	Contaminant ³²	None
Enviro-Nuisance	A.R.S. § 49-141(A)(3)	Any source	Soil, air, or water	None	Deposited, stored, discharged, or exposed	Otherwise subject to regulation under A.R.S. Title 49	Sewage, human excreta, wastewater, garbage, organic wastes	None
	A.R.S. § 49-141(A)(4)	Defective transport vehicle or container			Leakage or spillage		Garbage or human excreta	
	A.R.S. § 49-141(A)(5)	Septic tank, or cesspool			Overflow		Human excreta	

³²Any substance released to the environment that is either a hazardous substance or pollutant as defined in [A.R.S. § 49-201](#).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
Surface Water Standards	A.A.C. R18-11-120	Any source	Surface water ³³	Waste treatment systems, including impoundments, ponds, lagoons, and constructed wetlands that are a part of such waste treatment systems; Man-made surface impoundments and associated ditches and conveyances used in the extraction, beneficiation, and processing of metallic ores, including pits, pregnant leach solution ponds, raffinate ponds, tailing impoundments, decant ponds, concentrate or tailing thickeners, blowdown water ponds, ponds and sumps in mine pits associated with dewatering activity, ponds holding water that has come in contact with process or product and that is being held for recycling, spill or upset catchment ponds, or ponds used for onsite remediation that are not surface waters or are located in areas that once were surface waters but no longer remain surface waters because they have been and remain legally converted.	Causes a violation	None	Narrative, numeric standards	None

³³ A water of the United States and includes the following: (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; (b) All interstate waters, including interstate wetlands; (c) All other waters such as intrastate lakes, reservoirs, natural ponds, rivers, streams (including intermittent and ephemeral streams), creeks, washes, draws, mudflats, sandflats, wetlands, sloughs, backwaters, prairie potholes, wet meadows, or playa lakes, the use, degradation or destruction of which would affect or could affect interstate or foreign commerce, including any such waters: (I) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (iii) Which are used or could be used for industrial purposes by industries in interstate or foreign commerce; d. All impoundments of waters otherwise defined as surface waters under this definition; (e) Tributaries of surface waters identified in paragraphs (a) through (d) of this definition; and (f) Wetlands adjacent to surface waters identified in paragraphs (a) through (e) of this definition. [A.A.C. R18-11-101\(40\)](#).

Program	Citation	From:	To:	Exempt Location	Activity	Exempt Activities	Material	Exempt Materials
WQARF	A.R.S. § 49-287(E)	Any Source	Environment	None	Release or threat of release which may present an imminent and substantial danger	Does not present an imminent and substantial danger	Hazardous substance ³⁴	Petroleum if subject to UST corrective action, or remains on-site
	A.R.S. § 49-286	Responsible Party ³⁵	Any location that renders or is about to render a drinking water source unusable without treatment		Disposal	Disposal after July 1, 1987	Non-hazardous substance	None

³⁴See [A.R.S. § 49-201\(18\)](#) for a definition of hazardous substance.

³⁵See [A.R.S. § 49-283](#) for a definition of responsible party.